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**LARGE-SCALE LAND ACQUISITIONS
AND MINORITIES/INDIGENOUS
PEOPLES' RIGHTS UNDER ETHNIC
FEDERALISM IN ETHIOPIA**

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PHD

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LARGE-SCALE LAND ACQUISITIONS AND MINORITIES/INDIGENOUS PEOPLES' RIGHTS UNDER ETHNIC FEDERALISM IN ETHIOPIA

**A Case Study of Gambella Regional
State**

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of Doctor of Philosophy**

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Large-Scale Land Acquisitions and Minorities/Indigenous Peoples' Rights under Ethnic Federalism in Ethiopia: A Case Study of Gambella Regional State

Keywords: Large-scale land acquisitions, minorities, indigenous peoples, federalism, Ethiopia, Gambella

Abstract

The contemporary phenomenon of the global rush for farmland has generated intense debate from different actors. While the proponents embrace it as a 'development opportunity', the critics dub it 'land grabbing'. Others use a neutral term: 'large-scale land acquisitions'. Whatever terminology is used, one fact remains indisputable – since 2007 vast swathes of farmlands in developing countries have been sold or leased out to large-scale commercial farmers. Ethiopia is one of the leading countries in Africa in this regard and, as a matter of state policy, it promotes these investments in peripheral regions that are predominantly inhabited by pastoralists and other indigenous communities. So far, the focus of most of the studies on this phenomenon has been on its economic, food security and environmental aspects. The questions of land rights and political implications have been to a great extent overlooked. The purpose of this thesis is to contribute to this knowledge gap by drawing upon the experience of the Gambella regional state – the epicentre of large-scale land acquisition in Ethiopia. To this end, this thesis argues that large-scale land acquisitions in Ethiopia is indeed redefining indigenous communities' right to land, territories and natural resources in fundamental ways. By doing so, it also threatens the post-1991 social contract – i.e. ethnic federalism – between the envisaged new Ethiopian state and its diverse communities, particularly the peripheral minorities and indigenous ethnic groups.

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Acronyms

ACHPR	African Commission on Human and Peoples' Rights
ADLI	Agricultural Development Led Industrialization
AfDB	Africa Development Bank
AISD	Agricultural Investment Support Directorate
ANRS	Amhara National Regional State
ARS	Anywa Radio Service
APDO	Afar Peoples Democratic Organization
APSA	American Political Science Association
B-GPDUF	Beneshangual-Gumuz Peoples Democratic Unity Front
CCE	Council of Constitutional Enquiry
ECSC	Ethiopian Civil Service College
EEA	Ethiopian Economic Association
EHPEA	Ethiopian Horticulture Producer Exporter Association
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
EPLF	Eritrean Peoples' Liberation Front
EPRDF	Ethiopian People's Revolutionary Democratic Front
FAO	Food and Agriculture Organization
FDI	Foreign Direct Investment
FDRE	Federal Democratic Republic of Ethiopia
FoE	Friends of the Earth
FPIC	Free, Prior and Informed Consent
GIA	Gambella Investment Agency

GPDC	Gambella Peace and Development Council
GPDM	Gambella Peoples' Democratic Movement
GPDUP	Gambella Peoples' Democratic Unity Party
GPLM	Gambella Peoples' Liberation Movement
GPNRS	Gambella Peoples National Regional State
GTP	Growth and Transformation Plan
HNL	Harari National League
HOA-REC	Horn of Africa – Regional Environment Centre and Network
HOF	House of Federation
HPR	House of Peoples Representatives
HRW	Human Rights Watch
IFAD	International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute
IIED	Institute for Environment and Development
ILO	International Labour Organization
IWGIA	International Work Group for Indigenous Affairs
LAC	Land use and Administration Committee
LSLA	Large-Scale Land Acquisition
MDGs	Millennium Development Goals
MOARD	Ministry of Agriculture and Rural Development
MOCT	Ministry of Culture and Tourism
MOFED	Ministry of Finance and Economic Development
MOM	Ministry of Mines
MRG	Minority Rights Group International
NGO	Non-Governmental Organization

OHCHR	Office of the High Commissioner for Human Rights
OI	Oakland Institute
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
ONRS	Oromia National Regional State
OPDO	Oromo Peoples Democratic Organization
PA	Peasant Association
PASDEP	Plan for Accelerated and Sustained Development to End Poverty
PDRE	People's Democratic Republic of Ethiopia
PSCAP	Public Sector Capacity Building Programme
SDPRP	Sustainable Development and Poverty Reduction Program
SEPDM	Southern Ethiopia Peoples Democratic Movement
SNNPRS	Southern Nations Nationalities and Peoples Regional State
SPDL	Somali Peoples Democratic League
SPLA	Sudan People Liberation Army
TNRS	Tigray National Regional State
TPLF	Tigray Peoples Liberation Front
UNComtrade	United Nations Commodity Trade Statistics Database
UNCTAD	United Nations Conference on Trade and Development
UNDIP	UN Declaration on the Rights of Indigenous Peoples
UNDM	United Nations Declaration on Minorities
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees

UN-REDD	United Nations Reducing Emissions from Deforestation and Degradation of Forests
VOA	Voice of America
WIC	Walta Information Centre
WLCA	Wild Life Conservation Authority
WPE	Workers Party of Ethiopia
ZPEB	Zhongyuan Petroleum Exploration Bureau

Chapter One: Introduction

1.1. Research Problem

Our policy is that in the lowland areas where we have abundant and unutilized land we would lease that to private sector. In the highland and where there is land shortage we would allow the farmers to retain indefinite use rights (Meles, World Economic Forum on Africa, 2010).¹

On 20 April 2010, Mr. Tefera Deribew, Minister for Agriculture and Rural Development (MOARD), and Mr. Soroj Procol, Chief Executive of New Delhi based Verdanta Harvests PLC, signed a land lease agreement for 3,012 hectares (ha) of land in the Gambella region, Majang zone, Godere district/*woreda*, Gumare and Kabu villages/*kebeles* (Appendix – 1)². This particular piece of land in question happened to be one of the protected community forests under the ‘Participatory Forest Protection Project’ supported by an international Non-Governmental Organization (NGO) (Interview – 1IND, 22 Mar. 2012)³. Upon hearing the rumours that their communal forest had been leased out to an investor, the communities of Gumare and Kabu *kebeles* went to their immediate administrators at Godere *woreda* to get clear information. The *woreda* officials stated that they did not know about this deal and that they would make enquiries about the matter to the regional

¹ The ‘lowland areas’ here refer to the Afar Regional State, Beneshangual-Gumuz Regional State, Gambella Regional State and Somali Regional State.

² The Ethiopian administrative structure from the highest to the least is: Federal – Region/*Killil* – Zone – District/*Woreda* – Village/*Kebele*. In this thesis ‘district and *woreda*’ and ‘village and *kebele*’ are used interchangeably.

³ This interviewee was the coordinator of the ‘Participatory Forest Protection Project’.

government (FGD – 9, 14 Apr. 2012).⁴ The communities of these two villages were not satisfied with this answer and they did not want to wait until it was too late so they immediately sent their representatives to the regional government in Gambella town. At the regional government level the villagers were informed that the rumours were true but, since the deal was concluded at the federal government level, there was nothing the regional government could do about it (FGD – 9, 14 Apr. 2012).

Despite the odds, these two villages decided to take their case up to the federal government level. They selected three representatives to go to Addis Ababa to discuss their concerns with the responsible federal ministries. Although none of the concerned ministries wanted to talk to them, they finally managed to get access to the President of the country, Mr. Girma Wolde-Giorgis, whose position is more of a figurehead.⁵ In their meeting, they explained to the President the importance of the forest to their communities as a means of livelihood and cultural identity. Moreover, they also stressed the efforts they had already put into protecting this forest and their fear of the negative environmental consequences of clearing it (FGD – 9, 14 Apr. 2012).

Much to his credit, the President listened to their concerns and in his capacity he wrote a letter to the Environmental Protection Authority (EPA), asking them to take urgent action regarding the concerns of these two villages (Appendix – 2). Accordingly, the EPA wrote an official letter dated 6 May 2010 to the MOARD, the

⁴ This FGD is made up of the three representatives selected by the Gumare and Kabu villages to follow up the leasing out of their communal forest to foreign investor.

⁵ Ethiopia is a parliamentary system: the real political power lies with the Prime Minister. The President plays only ceremonial and formal roles. However, President Girma Wolde Giorgis is a renowned environmentalist. He is the founder and current Patron of the Environment and Development Society in Ethiopia.

Ministry responsible for large-scale land investments, requesting them to rethink this particular land lease agreement vis-à-vis its possible negative environmental impacts (Appendix – 2). In this letter, the EPA also suggested that the country might gain multiple and better benefits (socially, economically and environmentally) from this forest by applying to the UN-REDD (United Nations Reducing Emissions from Deforestation and Degradation of Forests) Programme than from the expected economic benefits from turning this forest into a tea plantation (Appendix – 2). The EPA copied this letter to the Gambella regional state council and the Godere *woreda* administration council.

In an evasive response to this letter, the governor of Gambella regional state wrote an official letter dated 19 November 2010 to the Godere *woreda* explaining to them that the land lease had already been signed and that they should collect the payment of 334,332 ETB (\$19,000) from Verdanta Harvest PLC and hand over the land to them as soon as possible (Appendix – 2). The letter stated that, upon receiving this money, the *woreda* government should send a copy of the receipt voucher both to the regional government and to the MOARD. Finally, the letter stressed that the *woreda* administration should assist and cooperate with the investor in all of his activities in the *woreda* (Appendix – 2).

Similarly, in another evasive response to the letter from the EPA, on 25 November 2010, the MOARD dispatched a team to Gumare village to investigate the complaints and hear directly from the villagers. When they reached the village, instead of meeting all the villagers, they only met villagers who were pre-selected by the Godere *woreda* administration (Appendix – 2). To make things worse, the official

representatives of these two villages who went to Addis Ababa and talked to the president were not even invited to this meeting (Appendix – 2; FGD – 9, 14 Apr. 2012).

Nevertheless, the official representatives of these two villages did not stop their complaints against this land lease. On 9 December 2010, they wrote a letter to President Girma Wolde-Georgis updating him on how the MOARD, the regional government of Gambella and the Godere *woreda* administration were handling the matter by intimidating the villagers and going ahead with the project (Appendix – 2). The next day, President Girma Wolde-Georgis wrote a direct letter to the MOARD literally telling them to suspend the project on environmental grounds, echoing the previous letter written by the EPA (Appendix – 2).

The Ministry of Agriculture and Rural Development (MOARD) did not respond to this latest letter from the president. However, on 25 January 2011, the chairman of Gumare village council, one of those who went to Addis Ababa and who had been leading the resistance against this land lease agreement, received an official letter from the Godere *woreda* administrator stating that he is being removed from his position (Appendix – 2). His deputy, who actually led the meeting during the visit of the federal representatives (MOARD), was named as temporary chairman (Appendix – 2).

I first heard about this story from my former colleague who works for an international NGO in the Gambella region. Then the story became public when some of the letters exchanged were leaked to the media and advocacy groups (Solidarity Movement for

New Ethiopia, 2011). Because of its relevance to my research and due to the national and international attention it has attracted, I investigated the story further when I went to Ethiopia for my field research. I first met the project coordinator for the 'Participatory Forest Protection scheme', a project supported by an international NGO that works with the aforementioned villages. The project coordinator gave me a good background about the project and the awareness they have created among those communities. Then, later on, he arranged for me to talk to the three representatives of these two villages, who gave me a detailed account of the story and the overall picture of land investments in Godere *woreda*.

This story is both normal and special. It is normal in the sense that I have heard eight similar stories in which village councils have launched a formal complaint against land lease deals to their immediate *woreda* authorities.⁶ However, none of the village councils dared to take their case to the higher government levels after they failed at the *woreda* level. Only two other villages (Pinykew and Ilea) went up to the regional state level (FGDs – 7 and 8, 09 and 10 Apr. 2012). Hence, Gumare and Kabu villages are very special cases in the sense that they took their cases up to federal government level.

The reason I decided to start with this story is because it embodies the fundamental contradictions inherent in the current large-scale land deals in Ethiopia that I am trying to investigate in this research. In the story we see a clear conflict of interests between the communities of Gumare and Kabu villages on one hand, and different

⁶ 1. Ilea *kebele* in Itang *woreda*; 2. Pinykew *kebele* in Gambella *woreda*; 3. Abol *kebele* in Gambella *woreda*; 4. Chibo *kebele* in Abobo *woreda*; 5. Thenyi *kebele* in Abobo *woreda*; 6. Perbongo-Oma *kebele* in Abobo *woreda*; 7. Gog-Jangjor *kebele* in Gog *woreda*; and 8. Pochala *kebele* in Gog *woreda*.

levels of the government on the other. We also see a conflict between different ministries of the government such as between the EPA on one hand, and the MOARD on the other. Although not very visible in the letters, from my discussions with the three representatives of these two villages and the NGO officer, I also saw a latent conflict between the local Godere *woreda* administration and the Gambella regional state council on one hand, and the federal agency, i.e. the MOARD, on the other. Hence, the contemporary large-scale land investment in Ethiopia is not only an interesting research topic from an economic or food security perspective but also an interesting research topic from a political science or peace studies perspective.

To begin with, from an historical point of view, land policy in Ethiopia in general has not been only an economic issue (Crummey, 2000). It has also been a contentious political issue around which the rural farmers, arguably the backbone of the Ethiopian economy, are mobilized either to support one regime or repel another (Dessalegn, 2008). Among the key factors that haemorrhaged the legitimacy of Haile Selassie's regime, particularly among the rural farmers, and eventually precipitated his fall, was his land policy, which was characterized by drastic power imbalance between the landlords and the peasantry (Crewett *et al.*, 2008).

The military junta, hereafter referred to as the *Derg*, came to power in 1974 with the famous slogan – *meret le arashu!*, an Amharic translation for 'land to the tiller!', promising to free and empower the peasants (Cohen and Koehn, 1977). In accordance with the slogan of the revolution, the *Derg* declared all land to be "collective property of the Ethiopian people" without any compensation for previous holders (Proclamation No. 31/1975). The proclamation also nullified all the tenancy

relations that existed before and Peasant Associations (PA) were formed and empowered to redistribute rural land and adjudicate conflicts that might arise from the implementation of the overall land reform. According to Ottaway, “If one can judge the effect of a land reform after less than three years, then the Ethiopian land reform must be considered a success” (Ottaway, 1977, p.70).

Although the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), the current ruling party, radically changed the overall nature of the state – from military socialist to federal democratic (at least on a theoretical level) – the new constitution of 1994 entrenched *Derg*’s land policy of ‘state ownership’, as echoed by Article 40:3 that read:

The right to ownership of rural land and urban land, as well as of all natural resources is exclusively vested in the state and the peoples of Ethiopia. Land is a common property of the nations, nationalities and Peoples of Ethiopia.

In the early years of the EPRDF, the continuation of the *Derg*’s land policy of ‘state ownership’ was a source of a heated debate between the government – upholding the state ownership policy on one hand – and the opposition – advocating for land privatization on the other (Dejene, 1999; Dessalegn, 1992 and 1994). However, since this debate was mainly taking place in Addis Ababa among the elites and more on a theoretical level, it failed to stimulate any considerable interest among the rural farmers, who actually felt comfortable with the continuation of the *status quo* of the *Derg* (Dessalegn, 2008). Since then, the debate about land tenure policy has been for the most part muted and absent from the national political agenda.

However, with the current rising global interest in farmland, and the Ethiopian government's open door policy for those land investors, the debate about land tenure policy is back again on the Ethiopian political scene (Dessalegn, 2011). This time though, the debate is no longer flowing down only in one direction from the top political elites in Addis Ababa in an abstract form to ordinary Ethiopians as it used to be in the early 1990s. It is now also gushing upwards from rural farmers, who are struggling with practical questions of massive displacement from their lands and huge influx of large-scale farmers to their territories, taking over their farmlands, ancestral territories and natural resources, as we have seen in the previous story of Gumare and Kabu *kebeles* (Appendix – 1).

As it stands now, Ethiopia is among the top African countries that have leased, and are still in the process of leasing out, large amounts of their arable lands to large-scale investors (World Bank, 2011). According to the Oakland Institute (OI), by January 2011 Ethiopia had leased 3.6 million ha of land to 1,349 large-scale investors, both domestic and foreign (OI, 2011a, p.20). Likewise, in 2010 the Ethiopian government started a villagization programme aiming to relocate 1.5 million households in lowland regions within three years (Davison, 2010a). In the first phase of the programme in the Gambella region, 26,000 households out of the planned 45,000 households have already been relocated within the region (Walta Information Centre (WIC), 2011b). Although the government claims that its villagization programme is not related to its large-scale land investment plans, the programme only targets regions that are at the same time also targeted for large-scale land investment. In my fieldwork, I have also found out from local communities

I talked to that they see villagization programmes as an attempt by the government to free more land for large-scale investors (FGDs – 1 and 2, 30 and 31 Mar. 2012).

At the moment, although a number of studies have been conducted on the global phenomenon of large-scale land acquisition (LSLA), most of them are narrowly focused on its economic, food security and environmental aspects (Aabo and Kring, 2012; Cotula *et al.*, 2009; Friends of the Earth (FoE), 2012). In the Ethiopian case, in spite of wide international media coverage, detailed case studies on the on-going large-scale land investments remain very limited (BBC News, 2012; Davison, 2010a; The Guardian, 2011).

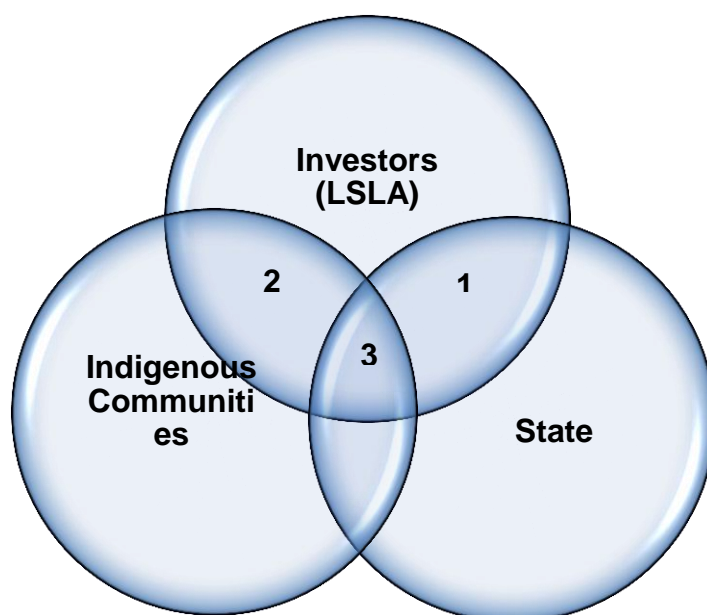
The purpose of this research is to draw attention to what I see as sidelined in the global discussion about land transfers; namely, the question of land rights of local communities, and particularly in the Ethiopian case to investigate the implications of those land transfers for the state-communities power relation. In Ethiopia, since as a matter of state policy those investments are directed to lowland regions that are predominantly occupied by historically marginalized indigenous communities, I will try to study this phenomenon from a minorities and indigenous peoples' rights perspective using the Gambella region, one of the minority regions, as my case study. Likewise, in order to study the power dynamics between the Ethiopian state and the indigenous communities, this research gives due attention to the ethnic federal system in Ethiopia under which the state-communities power relations are defined. Stated concisely therefore, this research is about putting the rights of landholders – in this case minorities and indigenous communities – at the centre of

this debate, and locating the debate in its broader political context, which in the Ethiopian case is the ethnic federal arrangement that has been in place since 1994.

1.2. Research Scope and Delimitation

In the light of the preceding discussion, the main focus of this research is to explore how large-scale land acquisitions are redefining indigenous communities' rights to land and the implications of this redefinition for the ethnic federal system under which those rights are articulated. Each of the intersections of these topics – i.e. LSLA, indigenous communities' right to land and federalism – is complex enough to deserve independent research in its own right. Hence, researching their intersections makes it even more challenging unless the study is narrowed down and its scope is clearly delimited. The following figure shows the area of intersection with which this research is primarily concerned.

Figure 1: Research Scope and Delimitation



As it is illustrated in this figure, LSLA in Ethiopia interacts with the state as shown in area 1, with communities in area 2, and with the state-communities relationship in area 3. So far, most of the global studies about LSLA are inclined towards either its relationship with the state in general (Area 1) in terms of macroeconomic growth or to the communities (Area 2) in terms of its direct impact on local food security and environment (Aabo and Kring, 2012; Cotula *et al.*, 2009; FoE, 2012). In Ethiopia and also globally less attention has been given to how LSLA is impacting the existing state-communities relationships (Area 3). The fundamental interest of this research lies in this under-researched area 3. Although other areas will be touched upon, the major objective of this research is to investigate the impacts of LSLA on state-communities relationship – i.e. area 3. To this end, the research will attempt to answer the following research questions.

1.3. Research Questions

Throughout this thesis, the underlying key research question that guides the course of this study is:

- ❖ Is the contemporary phenomenon of large-scale land acquisitions in Ethiopia redefining indigenous communities' right to land and what are the implications of this redefinition for the ethnic federal system?

Subsidiary questions that this research will try to answer in the course of answering the above-mentioned key research question include:

- How is the right to self-determination implemented in the Gambella region?
- What are the modalities of large-scale land acquisitions vis-à-vis the indigenous communities of Gambella?
- What are the benefits of large-scale land acquisitions for the indigenous communities of Gambella?
- What are the negative impacts of large-scale land acquisitions on the indigenous communities of Gambella?

1.4. Hypothesis

This thesis is of the hypothesis that LSLA is not politically neutral. In one way or another, it carries the potential to entrench or shift the political power in favour of one or the other group/class. Particularly in countries like Ethiopia where rural land has been historically used as a political tool to control the rural mass, LSLA can enhance the dominance of the ruling class at the expense of the already marginalized groups.

Hence, I hypothesize that LSLA is not only challenging the indigenous peoples' right to land, territory and natural resources, but it is also threatening the post-1991 social contract (i.e. ethnic federalism) between the envisaged new Ethiopian state and its diverse communities, particularly the peripheral minorities and Indigenous ethnic groups.

1.5. Research Structure

This thesis is organized into eleven chapters. The introductory chapter attempts to clarify the research problem that is to be investigated and delimits the scope of the research. Against this background, the chapter then articulates the overarching research question and proposes a working hypothesis. The second chapter discusses the methodological issues involved in this thesis. The major part of the chapter thoroughly discusses the research methods that have been used to generate data for this research and the theories that have informed the selection of those methods.

Chapters three and four locate the research into its theoretical and country context. In Chapter three, I have tried to review the literature and provide working definitions for the recurring key concepts such as 'Large-Scale Land Acquisitions (LSLA)', 'Indigenous Peoples', and 'Federalism'. In Chapter four, the history of land and politics in Ethiopia is discussed. For the sake of analysis, the discussions are organized under the 'Imperial', the '*Derg*' and current 'EPRDF' regimes. Since this

thesis mainly focusses on the current regime, an extended discussion is provided under the EPRDF regime.

Against this background, the next five chapters (five to nine) take the discussion to the specific case of the Gambella regional state. In Chapter five, as a way of introduction, the place of Gambella region in Ethiopia is discussed. This includes the background of the region, its peoples, incorporation into the Ethiopian empire at the beginning of the 20th century and recognition as an autonomous regional state in the post-1991 Ethiopia. Likewise, since this thesis focuses on natural resources, a brief background to resource-induced conflicts in the region is also provided in this chapter.

Chapter six examines the implementation of the right to self-determination in the Gambella region. After thorough discussion of the socio-cultural, political and economic aspects of the right to self-determination, this chapter argues that the denial of economic self-determination seems to be more pronounced in the Gambella region and other minority regions. That is why this thesis focuses on one aspect of economic self-determination – i.e. the management of a group's resources (in this case land) in the interests of the group.

In Chapter seven, large-scale land acquisition in the Gambella region is discussed. The chapter discusses in detail the actual process of land acquisitions in the Gambella region; provides critical analysis of land lease agreements; and discusses the estimated actual land leased out to investors and the composition of investors in the Gambella region.

Chapter eight critically reviews the Ethiopian government's repeatedly claimed and cited benefits of LSLAs such as 'food security', 'employment opportunities', 'technological transfer', and 'increase of tax revenues for local governments'. Then Chapter nine discusses negative impacts of LSLA on the indigenous communities such as the 'villagization programme/forced relocation', 'environmental, social and cultural impacts', 'escalation of ethnic conflicts over diminishing land and water resources' and 'marginalization of rural women in access to land'.

Finally, the last two chapters (ten and eleven) provide comprehensive answer to the overarching research question and conclude the thesis. In Chapter ten, I will provide an answer to the key research question namely: is the contemporary phenomenon of large-scale land acquisitions in Ethiopia redefining indigenous communities' right to land and what are the implications of this redefinition for the ethnic federal system? After answering this key research question, in Chapter eleven, I will provide the general conclusion and suggest future research questions that I am not able to address in this research project.

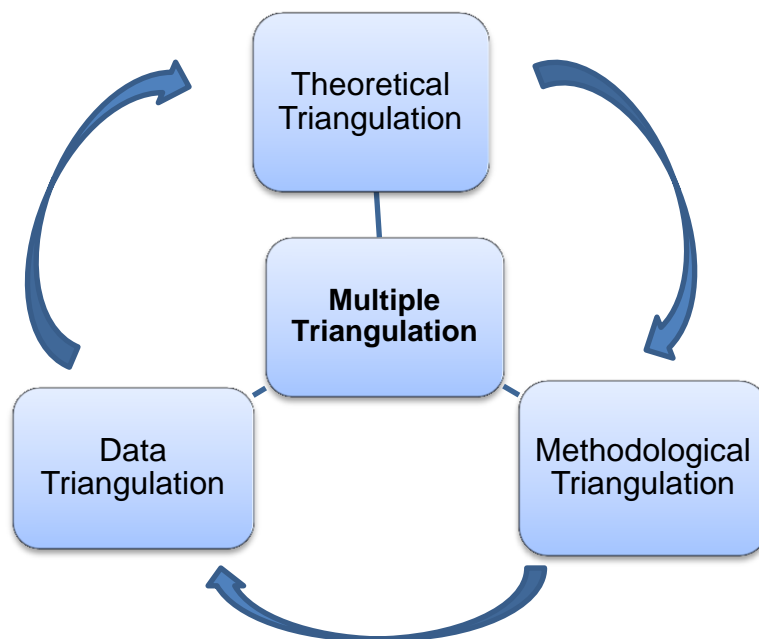
Chapter Two: Research Methodology: Multiple-Triangulation

2.1. Definition

Given the interdisciplinary nature of this research and the dispersal of data across different sources, the best approach, in my view, that can generate inclusive data and ensure comprehensive analysis is to use multiple theories and data collection methods. Methodologically, this approach is known as 'triangulation' (Denzin, 1970; Kimchi, *et al.*, 1991). In its original meaning, the triangulation metaphor used in social science research was derived from navigation and construction that use multiple reference points to locate an object's exact position (Smith, 1975). According to the basic geometrical principle, multiple viewpoints provide greater accuracy (Denzin, 1970). Hence, the intention in using triangulation in social science research is to use two or more aspects of research to strengthen the design and increase the ability to interpret the findings (Campbell and Fiske, 1959; Polit and Hungler, 1995). Broadly speaking, therefore, in social science research, triangulation is defined as the combination of two or more theoretical perspectives, methodologies or data sources within the same study (Denzin, 1970; Kimchi, *et al.*, 1991). These combinations could result in theoretical triangulation, methodological triangulation or data triangulation. In cases when more than one type of triangulation is used, for instance two or more theories along with two or more methods, the resulting complex triangulation is referred to as **multiple-triangulation** (Denzin, 1970; Polit and Hungler, 1995; Woods and Catanzaro, 1988). Hence, the methodology adopted for

this research could be referred to as multiple-triangulation, as shown in Figure 2, since more than two theories (theoretical triangulation), methods (methodological triangulation) and data sources (data triangulation) have been used to generate and analyse data for this research.

Figure 2: Multiple-Triangulation



2.2. Theoretical Triangulation

As discussed earlier in the introduction chapter, this research looks at the intersection of three different themes that are mostly studied under different theories/disciplines. Hence, in order to comprehensively capture those themes, this study interrogates the overarching research question from three theoretical perspectives namely, (1) 'critical agrarian political economy', (2) 'political ecology' and (3) 'political science'. Each of these theories is briefly discussed in turn as follows.

2.2.1. Critical Agrarian Political Economy

According to Bernstein and Byres, ‘agrarian political economy’ in general investigates “the social relations and dynamics of production and reproduction, property and power in agrarian formations and their processes of change, both historical and contemporary” (Bernstein and Byres, 2001, p.1). Historically, this theory has been applied to studying the interactions and impacts of the capitalist mode of production on small-scale farming. The underlying questions that agrarian political economists grapple with – as succinctly summarised by Bernstein – include, among others, “Who owns what? Who does what? Who gets what? What do they do with it?” (Bernstein, 1992, p.24). In addition to these fundamental questions, contemporary critical agrarian political economists include other dimensions that were relatively neglected in the classical agrarian political economy such as gender dynamics, ethnicity, livelihoods diversity, rural urban links and mobility issues (White and Dasgupta, 2010). As such, this theoretical framework has been applied in this research to formulate questions pertinent to the influx of large-scale land investors to rural areas of Gambella and their interaction with small-scale indigenous farmers. The framework has also been useful in the analysis of the Ethiopian LSLAs’ legal and policy framework pertaining to how it accommodates or impedes the respective interests of investors and small-scale farmers.

2.2.2. Political Ecology

Political ecology as a research field studies the complex interaction between the environment, politics, economics, technology and social traditions (Bryant and

Bailey, 1997). As such, it also looks into diverse topics such as environmental conflicts, marginalization, environmental degradation and conservation, environmental identities and social movements (Robbins, 2004). Most important to this thesis, in its study of environmental issues and natural resources, 'political ecology' reiterates the importance of understanding the pre-existing economic and political power relationships among stakeholders (Raleigh, 2010). As such, it grounds the study of natural resources and environmental changes in their wider political and economic contexts (Turner, 2004).

Despite the multiple definitions and understandings of political ecology, Bryant and Bailey (1997) have developed three fundamental assumptions that define its core principles. Firstly, political ecology argues that environmental changes do not affect society in a homogenous manner. In other words, the benefits and costs accompanying environmental changes are not distributed equally among society. Secondly, political ecology maintains that this unequal distribution of costs and benefits associated with environmental changes inevitably either reinforces or reduces the existing economic and social inequalities. In the words of Bryant and Bailey, "any change in environmental conditions must affect the political and economic *status quo*" (Bryant and Bailey, 1997, p.28). Finally, political ecology concludes that these uneven distributions of benefits and costs and the reduction or reinforcement of pre-existing disparities carry political implications as a result of the new power relationships (Bryant and Bailey, 1997).

Against these three fundamental assumptions, political ecology framework has provided a very useful insight into the understanding of the new power structures

and relationships brought about by LSLAs. These new power dynamics are analysed between various levels of government (federal, regional, zonal, *woreda* and *kebele*); different ethnic groups (indigenous vs. highlanders; indigenous vs. indigenous; one clan vs. another clan); indigenous communities and local authorities; local authorities and investors, etc. All in all, the political ecology framework has been mainly used in this research to collect and analyse data pertinent to environmental degradation, environmental conflicts, marginalization and indigenous communities' right to land.

2.2.3. Political Science

Political science is a very broad discipline with multiple branches, which makes it difficult to define in one sentence. The American Political Science Association (APSA) defined political science as “the study of governments, public policies and political processes, systems, and political behaviour” (APSA, www.apsanet.org, 2013). Depending on which sub-field one is interested in, political science raises fundamental questions with regard to political theories, political philosophy, political ideology, political economy, international relations, comparative politics and political systems (Heywood, 2007; Roskin *et al.*, 2007). Since part of this research deals with the Ethiopian federal system vis-à-vis indigenous peoples' rights, the political science framework has guided the formulation of research questions and analysis of data relating to the implementation of right to self-determination, power sharing and ethnic federalism in general.

2.3. Methodological Triangulation

Research designs that apply more than one method are sometimes called multi-strategy designs, mixed methods, multi-methods, or methodological triangulation (Risjord *et al.*, 2002; Robson, 2011). In this research, I have used multiple primary data collection methods such as interviews, focus groups discussions and observation. Likewise, I have also used multiple secondary data collection methods such as legal and policy documents, governmental and non-governmental reports and various print/digital media sources. Hence, since more than one data collection method has been used for this research, the research design could be referred to as 'methodological triangulation'. In the following sections, I will elaborate on how I have used each of these methods and their contributions to this research.

2.3.1. Interviews

The interviews for this research involve 44 people from Addis Ababa, Gambella town, and four *woredas* in the Gambella region namely Abobo, Godere, Gog and Itang. This number does not include focus group discussions which will be discussed in the next section. The actual field research took place in Ethiopia, from 13 March 2012 until 26 May 2012. After leaving Ethiopia, I continued interviews for more clarification mainly through telephone and Skype contacts I collected whilst there.

Before I began my field research, I proposed three categories of people whom I should interview. These are government employees (both elected officials and civil servants), independents (NGOs workers, experts/academics, pensioners and others)

and business people (mainly large-scale farm managers and officials). In order to balance gender and ethnic compositions, I broke down these categories according to sex and ethnic backgrounds. However, at the end, most of my respondents turned out to be men for the practical reason that they happened to be the ones occupying most of the relevant positions for my research. The following table shows the distribution of my respondents across ethnic and professional categories. For the sake of simplicity I reframed the ethnic background into general categories of ‘indigenous’, ‘highlanders’ and ‘foreigners’.⁷

Table 1: Composition of interviewees

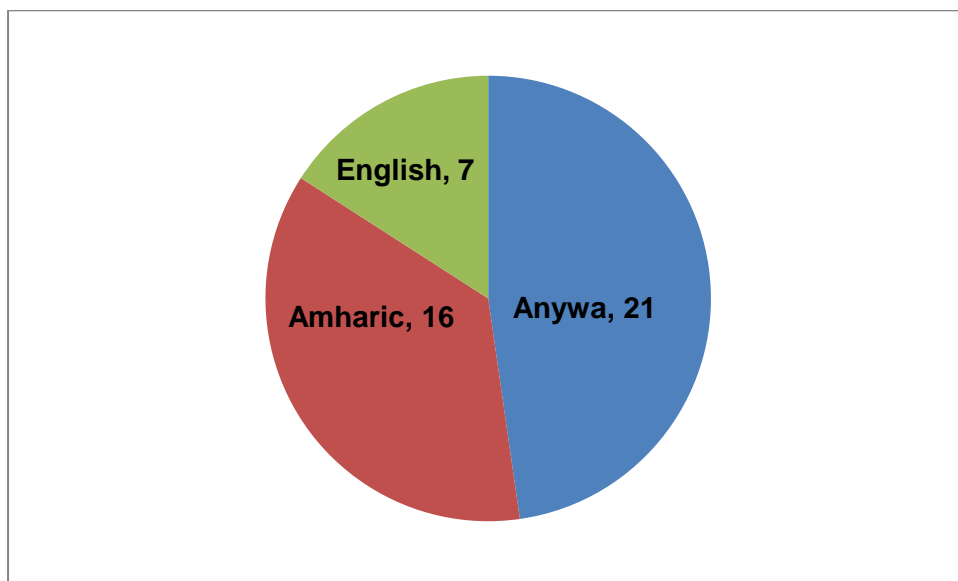
Interview Categories	Indigenous		Highlanders		Foreigners		Total
	M	F	M	F	M	F	
Government (GOV)	11	2	4	-	-	-	17
Independent (IND)	11	4	3	-	-	-	18
Business (BSS)	2	-	6	-	1	-	9
Total	24	6	13	-	1	-	44

In this thesis, interviews are referenced according to the above-mentioned categories followed by the date in which that interview took place. For example (Interview-1GOV, 15 Mar. 2012) refers to the first government employee interviewed on 15 March 2012. The same procedure is applied to other categories.

⁷ ‘Indigenous’ for the five ethnic groups of Gambella, ‘highlanders’ for all other Ethiopian ethnic groups and ‘foreigners’ for non-Ethiopians.

Another issue related to the background of the interviewees is the medium of communication through which those interviews were conducted. Luckily enough, I did not use any translation in the above categories. For highlanders and indigenous Majang people I used Amharic; most of the Nuer indigenous ethnic group preferred English; and for the Anywa ethnic group I just used the Anywa language, which is my mother tongue. The following figure shows the usages of these three languages during my fieldwork.

Figure 3: Language usages during fieldwork



Most of the interviews for this research could be characterised as open-ended, where respondents were asked about their opinions on pre-determined themes. In certain cases, I prepared fixed sets of questions to get straightforward answers from the respondents. However, in most cases I used general interview guides (Appendix – 5). Any time before I go to interview somebody, I review and adapt my interview guide to match the expertise of my respondent. In some cases, I only made slight

changes, especially when interviewing people from a similar professional category. As I gained more knowledge from those interviews, I also obtained new questions that I later on added to the interview guide for the next respondents.

The interviews proved to be a crucial source of information in terms of examining the actual process of land investments and the challenges surrounding indigenous communities' right to land. The interviews also served to investigate the implementation of some provisions in the land lease agreements and the claimed benefits and negative impacts of LSLAs. Concerning federalism, the interviews provided crucial information related to *de facto* functioning of ethnic federalism. Since people from different backgrounds and political orientations were interviewed for this research, there were conflicting opinions expressed on certain issues and events. Under those circumstances I had to look for independent sources in order to determine what might be closer to the reality. The interviews are used both directly as quotes and indirectly as references throughout this thesis, depending on their relevance to the topics being discussed under different sections.

2.3.2. Focus Group Discussions (FGDs)

For this research I have conducted nine focus group discussions in nine villages across five *woredas*, namely Abobo, Gambella, Godere, Gog and Itang. These focus group discussions were planned for an average of three to four persons. In most cases I tried to have a combination of a village's chairman, an elder and a village's women representative. The following table shows the number and gender balance of my FGDs' participants.

Table 2: Focus Group Discussions (FGD)

	Abobo	Gambella	Godere	Gog	Itang	Total
Men	6	4	3	3	2	18
Women	3	2	-	3	1	9
Total	9	6	3	6	3	27

Focus group discussions are referenced in this thesis in two ways. First, when referring to a general story or argument reflected by all members of a FGD, I simply refer to the number of that FGD and the date on which it was conducted (e.g. FGD – 1, 30 Mar. 2012). Secondly, when quoting or referring to a statement made by a particular FGD participant, another number for the specific participant is added (e.g. FGD – 1 – P1, 30 Mar. 2012).

Generally, the FGDs provided vital information in the areas of assessing the claimed benefits and negative impacts of LSLAs and local knowledge and traditions surrounding the environment. They also provided comprehensive and coherent information about the planning and implementation of the ‘villagization’ programme; local consultation; informal relations between large-scale investors and small-scale farmers and a range of other issues that are vital for this research.

2.3.3. Observation

It was not in my original research plan to use observation in my field research. However, unexpectedly, it became a useful source of information. The time I was in the Gambella region was the hottest season of the year with the temperature going up to 48°C at mid-day. Normally, during this season, government workers – including NGOs' staff – have a longer lunch break from 11am till 4pm. During these long lunch breaks people would be sitting under mango trees close to the Baro River talking about all manner of issues while cooling themselves. A few times I also went to these places during those hours of the day to get cool air without any intention of data collection for my research. However, it happened that most of the discussions taking place in those places were very relevant for my research. So I started taking notes without asking any questions. In a few cases I only asked for clarifications on certain issues. Hence, I took this as observation since I was only listening to informal discussions that were initiated and led by the discussants themselves.

2.3.4. Legal and Policy Documents

Despite being a poor and technologically underdeveloped country, most of Ethiopia's legal and policy documents are available online.⁸ This made my work far easier and quick since I did not have to go to every ministry to collect those documents. It was only in the cases of land laws of regional states that I had to look for them at different locations.

⁸ Most of these documents are uploaded online by different international organizations and UN agencies.

Legal and policy documents have been extensively used in this thesis since they present and represent the official position of the government and, in fact, the overall organization of the state in the case of the federal constitution. As such, most of them have been used as a foundation to evaluate the implementation of ethnic federalism in general and minority/indigenous peoples' rights to land in particular. This is also true of legal documents pertinent to land investment in Ethiopia, which have also been used as a basis to examine whether Ethiopia has developed a robust legal framework for land investments and what recognition it has accorded to indigenous peoples' rights.

2.3.5. Governmental and Non-governmental Documents

Periodic reports and project proposals of various government departments, NGOs and UN agencies were also used as sources of information for this research. Especially in areas where facts and figures are needed, this research has directly quoted or made reference to such kinds of reports and documents. However, since in some cases there are considerable inconsistencies or even contradictions between different reports, caution had been taken in the ways in which those reports and proposals are quoted or used as references. In situations where there are considerable inconsistencies or contradictions between two reports (e.g. local government's report and local NGO's report), I have tried to cross-examine such information from independent sources like the UN agencies or other international NGOs. However, one of the problems in Ethiopia is that, while most of the UN agencies' reports are based on local governments' data, international NGOs' reports are mainly based on data obtained from their local partner NGOs. Hence, a

difference between reports from a local government and a local NGO can also reflect itself in national reports of UN agencies and international NGOs.

Something worth noting here is the enactment of the 'Charities and Societies Proclamation 621/2009', which severely restricted the activities of NGOs in the country. According to this proclamation, NGOs that receive more than 10% of their income from sources outside Ethiopia are automatically banned from doing any work in the areas of human and democratic rights, conflict resolution and reconciliation and other advocacy-related activities (FDRE-Charities and Societies Proclamation 621/2009)⁹. Hence, as a consequence of this law, many NGOs that used to be active in these areas were closed by the government (Tiwana, 2008). As such, in this thesis when it comes to human rights and general advocacy issues I depended a lot on international human rights organizations since there are no local human rights organizations working in this area due to this latest law.

2.3.6. Media Reports

In Ethiopia media freedom is very much restricted. There is no independent radio station or television channel. All are controlled by the government. Although the government claims that there is press freedom in the country because of the

⁹ The Proclamation creates three categories of charities and societies. These are: (1) Ethiopian Charities or Societies (Article, 2:2); (2) Ethiopian Residents Charities or Societies (Article 2:3); and, (3) Foreign Charities or Societies (Article 2:4). Only Ethiopian Charities or Societies – i.e. those groups that receive less than 10% of their income from foreign sources – are allowed to work on: (a) advancement of human and democratic rights, (b) promotion of equality of nations, nationalities, peoples, gender and religion, (c) promotion of the rights of the disabled and children, (d) promotion of conflict resolution or reconciliation and, (e) promotion of the efficiency of justice and law enforcement services (Article 14:5). Other types of charities and societies are relegated to undertaking only service delivery activities (for more on this see, FDRE-Charities and Societies Proclamation 621/2009).

existence of independent newspapers, many argue that the recently enacted 'Freedom of the Mass Media and Access to Information Proclamation 590/2008' and 'Anti-Terrorism Proclamation 652/2009' have made the situation worse for the limited number of independent newspapers in the country. At the time I was conducting this research, 18 prominent journalists, bloggers and opposition figures were imprisoned on charges of terrorism and high treason and by the time I was writing this chapter (July 2012) they were given sentences by the Federal High Court ranging from 18 years to life imprisonment (WIC, 2012a).

Against this context, it will not be surprising that most of my media sources are mainly Ethiopian government media sources and various international media outlets. The government-controlled media provided vital information with regard to the government's position on issues I was researching. Especially with regard to LSLAs and 'villagization programmes', many high level officials had been interviewed and expressed the position of their government on these particular issues. Similarly, some of the CEOs of those large-scale commercial farms in the Gambella had also been interviewed in the local media and expressed their opinions on various critical issues to this research. Globally, there have been lots of discussions on LSLAs in various international media outlets.

Therefore, media reports helped me to access a wide range of information in a short period of time and also gave me access to high-level government officials, investors and international experts on LSLAs. Similarly, I have also used some media reports about similar events in other countries to compare and contrast the Ethiopian experience with that of other countries.

2.4. Data Triangulation

Over the last decade, the responsibility of LSLA has been shifting not only from one level of the government to another but also from one department of the government to other departments, agencies or ministries. In the Gambella region, for example, LSLA used to be processed at the *woreda* council level then it was moved to the regional investment agency and it is currently the responsibility of the federal Ministry of Agriculture and Rural Development. As such, data pertinent to LSLA is dispersed among different levels of government and departments. Moreover, since at the moment the responsibility of LSLA is divided between the regional and federal governments¹⁰, data about LSLA too is split between these two government levels. As such, when it comes to figures about the number of large-scale land investors, amount of land leased out, land contractual agreements and related information, I had to consult different data sources/databases. In some cases, I tried to cross-check different government departments' records with those of investors themselves. For example, I prepared some questionnaires to find out and cross-check the number of investors in five *woredas* (Abobo, Gambella, Gog, Godere and Itang) in the Gambella region, the size of land they have acquired, the lease period, the type of crop they plan to grow and the amount of land rental fees per hectare per year they are charged (Appendix – 3).

Similarly, in order to find out the number of job opportunities created by large-scale land investors and the beneficiaries of those job opportunities, I used different data sources such as the investors themselves, farm employees and *woreda*

¹⁰ According to the current LSLA policy, any land lease beyond 5,000 hectares is processed at the federal government level while anything below that threshold is left to the regional government.

governments' tax income records. For instance, I designed a questionnaire on the number of job opportunities these investments have created, proportion of 'highlanders' and 'indigenous' employees, the nature of jobs created (permanent or contract), average salary for different levels of jobs, what portion of their land leases they have operationalized and how much they were able to produce during the last harvest season (Appendix – 4). The same questionnaires were also presented to some farm employees to confirm the validity/accuracy of the responses obtained from investors.

In addition to the above-mentioned questionnaires, I also designed very specific questionnaires on certain topics such as the prices and sources of food commodities in the Gambella region in order to see the impact of LSLA on the regional food market. Likewise, I also prepared a questionnaire on the contribution of LSLA to respective *woreda* governments' tax income.

In short, although the use of quantitative methods remained very limited in my research, the cross-checking of the responses from different data sources provided essential information that either complemented my qualitative findings or raised further questions that merited further investigation.

2.5. Fieldwork Constraints and Mitigating factors

The security situation was the major constraint for me during my fieldwork. Although Gambella had enjoyed relative stability since 2007, by the time I was conducting my

field research, the security situation had deteriorated dramatically as a consequence of back and forth attacks between different bandits/rebel groups and the army.

To demonstrate the deterioration of the security situation: in January 2012, the military shot dead two daily labourers from the indigenous Anywa community who were working on one large-scale farm close to Ilea village. These two young men were arguing with their supervisor over payment. When the supervisor called the military to take them away, they refused to leave, demanding payment of their wages. Then the military shot them both dead (FGD – 8 – P3, 10 Apr. 2012). On 16 February 2012, unknown gunmen killed two policemen between Gambella town and Abobo *woreda*. In retaliation the military forces killed two indigenous Anywa people in Okuna village and arrested others whom they said were relatives of the suspects (FGD – 1, 30 Mar. 2012). So the tensions were already high before I went to Ethiopia for my field research. The day I arrived in Addis Ababa (12 March 2012) unknown gunmen attacked a public bus travelling from Godere to Gambella and killed 19 passengers – all of them highlanders (WIC, 2012b). This incident escalated the tensions between the indigenous Anywa ethnic group and the highlanders in Gambella to a different level.

Despite the deteriorating security situation, my local knowledge and contacts helped me to conduct my research without much interference. Although I had to change some villages that I originally planned to visit, because of my good knowledge of the area I was able to adjust my research plan as quickly as possible according to the changing circumstances. Luckily, by the time I was conducting my fieldwork, the mobile telephone network had already been expanded to all *woredas* in the

Gambella region, including to most of the villages that were in my research target. This made my work a lot easier and faster, especially in terms of security, as I was able to get security updates before travelling to my research sites and on my way back to Gambella town. Similarly, the fact that almost all officials from the regional to *woreda* government levels have mobile telephones made my work a lot faster than I originally anticipated.

Most importantly, the fact that I had arranged my own means of transportation made my fieldwork much easier and faster. In Addis Ababa I had rented a vehicle for the whole period of my stay there and used it to see different ministries, individuals and research institutes. This saved me lots of time since I did not have to wait for public transport, and gave me lots of flexibility to meet my respondents wherever was convenient for them at any time.

In the Gambella region, I also rented a four-wheel drive car for the whole period of my stay in the region. The benefit of having my own means of transportation within the region proved essential particularly under the above-mentioned security conditions. This again gave me flexibility to visit villages I needed for my research at any time and to adjust to the security conditions as quickly as possible. In terms of accessibility, since the time I was conducting my research was dry season, all villages were accessible by car. Furthermore, having my own means of transportation also helped me to feel secure since I knew that I could leave the region anytime of the day in case the situation worsened.

Therefore, despite the security challenges, my local knowledge and networks in the region, the expanding mobile telephone network and having my own means of transportation both in Addis Ababa and in the Gambella region mitigated those risks and, in fact, helped me to conduct my research much easier and faster.

Chapter Three: Conceptualizing Large-Scale Land Acquisition, Indigenous Peoples and Federalism in the Global Context

3.1. Introduction

This chapter attempts to conceptualize the three keywords that this research is interrogating by reviewing the existing literature, revisiting the basic debates and providing working definitions for them as they are applied in this thesis. These keywords are 'Large-Scale Land Acquisition', 'Indigenous Peoples' and 'Federalism'. They are chosen since they constitute the major building blocks of the research question identified earlier in Chapter one. Each of them is discussed in turn in the subsequent sections.

3.2. Large-Scale Land Acquisition (LSLA)

The emerging trend of long-term land deals in Africa and other developing countries has recently drawn much attention from both practitioners and scholars of diverse disciplines. By the actors and proponents, the trend is called a 'development opportunity' (e.g. Collier, 2008; MOARD, 2009b). However, the critics refer to it as 'land grabbing' (GRAIN, 2008; OI, 2011a). Due to the fact that the major land grabbers are foreign companies aiming at securing the food and fuel needs of their own countries, this has also led some to label this trend as 'neo-colonialism' (Hall, 2011a; On the Commons, 2011). Others use a more cautious, neutral term: 'large-

scale land acquisition' (Imeru, 2010; Mathieu, 2009; World Bank, 2011). Whatever the prevailing terminology used, there is at the moment ample evidence that vast swathes of Africa's farmland are being sold or leased to large-scale investors, with more land waiting in national land banks for investors (ILC, 2012; Pears, 2012).

Historically speaking, farmland acquisitions by transnational corporations are not a completely new development. Throughout the 20th century, as agricultural production became increasingly industrialized, small farmers were either driven out of their farms or forced into corporate farming where they become a class of workers within plantations (Stone, 2001). However, several factors distinguish the current phenomenon from the previous farmland acquisitions that have taken place elsewhere around the world.

In the first place, while this practice had largely been confined within the private sector domain in the past (i.e., private investor buying land from private owner), the majority of the new land deals are government to government/government-affiliated bodies. Most of the major buyers or leaseholders are foreign governments' affiliated enterprises and the sellers are host governments dispensing land they ostensibly own (GRAIN, 2008). Secondly, unlike the former large-scale farmland transactions, which were centred around cash crops production (e.g. tea, sugar, coffee, bananas, etc.), the current phenomenon mostly focuses on the production of staple food and biofuel crops such as, maize, rice, wheat, etc. (Ghosh, Interview with NewsClick, 13 Sept. 2011). Finally, another noticeable difference is the enormous size of the land that has recently been leased out or sold within a very short period of time (ILC, 2012).

These major differences are reflections of the new drivers of the contemporary LSLA. Hence, for a better understanding of the current LSLA, it is essential to briefly discuss the major drivers behind them.

3.2.1. Drivers of the Contemporary LSLA

According to GRAIN's (2008) report¹¹, which for the first time brought attention to the mounting global trend of 'land-grabbing', two big global crises triggered this new phenomenon. The first one is the 2007/2008 international food crisis and the second one is the global financial meltdown that surged around the same time.

As well as exacerbating the vulnerability of poor countries, the 2007/2008 food crisis also raised the spectre of food insecurity among those that hitherto had relied on and felt secure with the global food market (Bending and Wilson, 2012). In response to the food price hikes of 2007/2008, some of the major food exporting countries withheld their exports. This in turn set off the alarm for food-import-dependent countries regarding their vulnerability and the unreliability of the global food market. Thus, the issue of food security became a top policy agenda not only for the poor countries but also for the capital rich countries that have limited agricultural potential (Fisher and Mahendra, 2011). As a long-term food security policy strategy, those capital rich countries decided to outsource their domestic food production through acquisition of farmland overseas. They saw this as an innovative and reliable long-

¹¹ GRAIN is an international non-profit organization that works to support small farmers and social movements in their struggles for community-controlled and biodiversity-based food systems (www.grain.org).

term food security strategy that could feed their people at a good price and with far greater security than before (Cotula *et al.*, 2009). Some of these countries include China, India, Japan, Malaysia and South Korea in Asia; Egypt and Libya in Africa; and Bahrain, Jordan, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates in the Middle East (GRAIN, 2008).

While food security has emerged as one of the key drivers of the contemporary farmland acquisitions, expectation of high financial return from agricultural investment has also been playing a prominent role (Gelder and Spaargaren, 2011). Taking into account the rising agricultural commodity prices, acquisition of farmlands either for food or biofuel production appears to be an increasingly lucrative investment option. As a consequence of the current financial crisis, all kinds of players in the finance industry – private equity funds, investment houses that manage workers' pensions, hedge funds – have turned to land as a new source of profit (Weingärtner, 2010). In the past, direct agricultural production or owning land as such has not been an ideal investment area for a lot of these financial firms because of a variety of economic and political constraints attached to land (Cotula *et al.*, 2009). However, the combined effect of both the food and financial crises occurring at around the same time has transformed agricultural land into a new global strategic asset. While food prices around the world have been rising tremendously, land prices in developing countries are being made available very cheaply – if not for free – to attract investors (Daniel and Mittal, 2010). Therefore, in addition to food security concerns, the contemporary large-scale land acquisitions are also driven by the expectations of competitive return from agricultural commodities.

Indeed, the above factors alone cannot fully explain the current LSLAs without factoring in the cooperation of the host countries. In developing countries, particularly in Africa, there is a renewed interest in agriculture as a source of growth, employment, and poverty reduction (World Economic Forum, 2012). As such, foreign investment is believed to break the overall vicious cycle of poverty that exists in these countries, by introducing new technology, infrastructure development, employment opportunities, and food to local markets (Congressi and Kennedy, 2009; World Bank, 2011). In oil-producing countries like Sudan and Angola, governments are explicitly promoting diversification of their oil-dependent economy to other sectors such as agriculture (Cotula *et al.*, 2009). Therefore, many developing countries have been going through policy reforms to improve conditions for foreign investors by simplifying or eliminating restrictions on foreigners' acquisition of land and easing the administrative processes involved (World Bank, 2009). Hence, the contemporary LSLAs are not only driven by the rich countries' food security and financial return needs, but there is also a perceived reciprocal gain from the host nations' perspective in terms of both food security and economic growth.

This being said, there are no comprehensive evidence-based studies yet to either support or dispel this win-win argument. The available literature on the contemporary LSLAs continues to be characterised by extreme polarisation. The following section looks at these competing claims about LSLAs and pinpoints where this thesis aims to make a contribution to the existing literature.

3.2.2. Competing Claims about LSLA

Despite the wide recognition that something distinctive is going on at the moment, i.e. global rush for farmland deals, there is no consensus yet on its impacts and implications for the stakeholders involved. Different groups view this phenomenon differently, from absolute opposition to eager embrace, with some grey positions in between (GRAIN, 2008; MOARD, 2009b; World Bank, 2011).

So far, the debate has been largely dominated by human rights and environmental activist organizations who have stressed the exploitative nature of those land deals and their negative impacts on local/indigenous communities. The earliest reports about a significant rise in transnational commercial land deals emerged from organizations such as the Food First Information and Action Network (FIAN) and GRAIN (2008), which both identify themselves as advocacy organizations on behalf of small-scale farmers in developing countries. Other NGOs followed in their wake, including well-known international media outlets, which also offered additional critical accounts of this phenomenon (BBC News, 2009; Blas, 2008; Cotula *et al.*, 2008). Regardless of some differences in those initial reports, they more or less all conveyed a similar message: that “If left unchecked, this global land grab could spell the end of small-scale farming, and rural livelihoods, in numerous places around the world” (GRAIN, 2008, p.1).

After those initial reports, some reconciliatory reports emerged from global research institutes and concerned international organizations. In May 2009, the International Food Policy Research Institute (IFPRI), a Washington D.C.-based research institute, issued a statement claiming that, since 2006, 15-20 million ha of farmland in

developing countries had been sold or leased to foreign entities (Braun and Meinzen-Dick, 2009). This was followed by another report, from the International Institute for Environment and Development (IIED), a London based research organization, which claimed that about 2.4 million ha of land had already been leased or sold to foreign investors by African governments (Cotula, *et al.*, 2009). Despite their concerns regarding the speed of those deals and the limited institutional capacity of the host countries, those reports recognize potential opportunities in those LSLAs that could benefit the host countries and their populations.

Along the same line of argument, the World Bank (2009) and the United Nations Food and Agriculture Organization (FAO, 2009) have published reports and statements arguing that, with a responsible participatory decision-making process, the risks and costs assumed to be inherent in LSLAs could be reduced and therefore lead to win-win agricultural investments for both the investors and the host countries.

Apart from the question of whether or not those land investments will benefit the host communities, Borras and Franco have diverted the debate to what they see as the “broader view of the politics of global land grab” (Borras and Franco, 2010, p.1). The impact of the contemporary land grabbing, they argue, is to bring about radical transformations in land property relations favouring the (re)concentration of power and wealth in the hands of the dominant classes, especially corporate entities, capitalists, state bureaucrats, landed groups and village chiefs (Borras and Franco, 2010). Following the same line of thought, Hall (2011b) argues that the most likely scenario of the current LSLAs is towards what she calls the ‘South Africanization’ of

agrarian structures where large estates exist side by side with a host of impoverished small farms that are struggling to survive in their shadow (Dessalegn, 2011).

All in all, the existing literature on LSLA – except for the works of the likes of Borras, Franco and Hall – seems to be, to a larger extent, economic centric. Questions about land rights and political implications of LSLA for local communities seem to be overlooked to a greater extent. The line of inquiry pursued in this thesis is to take back the debate about LSLA from economic and environmental implications to the basic question about the land rights of the indigenous communities inhabiting those lands and the implications of this trend towards state-communities power relations.

3.3. Indigenous Peoples

3.3.1. Who are Indigenous Peoples?

Under international law, one of the problematic questions concerning indigenous peoples is ‘who are they?’ Although several proposals for defining indigenous peoples have been put forward by various legal experts, there is not yet a universally accepted legal definition. Nonetheless, the definition proposed by Martínez-Cobo – the UN special rapporteur for the study of discrimination against indigenous peoples – is usually accepted as authoritative and is being widely used by many legal experts and indigenous rights activists:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Martinez-Cobo, 1983, p.8).

This definition stresses the fact that indigenous communities consider themselves to be distinct 'people' from the rest of the societies with whom they share their present territorial states. Although they historically own those territories, indigenous peoples are now in non-dominant positions in those states. The definition also emphasizes that indigenous peoples are determined to transmit their ancestral territories, ethnic identity and pre-colonial social institutions to their future generations. Hence, according to Gilbert (2006), indigenous peoples are those who used to inhabit, continue to inhabit, and wish to keep their strong attachment to, a defined territory.

This territorial attachment is one of the crucial elements of the 'indigenouness' of any group and it is a key issue of concern in the protection of indigenous peoples under international law (UN Office of the High Commissioner for Human Rights (OHCHR), 2000). For instance, the International Labour Organization (ILO) Convention 169 accentuates that indigenous peoples are 'indigenous':

On account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions (ILO, 1980, Article 1:1b).

This element of 'territorial attachment that predates colonialism' makes the concept of 'indigenous peoples' problematic in the context of present-day Africa. Some even go further to argue that the concept of 'indigenous peoples' is not applicable in Africa since there are no politically dominant colonial settlers on the continent (Ndahinda, 2012). Here I argue that this is a big misconception about indigenous peoples. This misconception arises from a narrow interpretation of the concept of indigenous peoples. Whenever people speak about indigenous peoples, the first example that would come to mind is either the 'indigenous peoples of North America' or the 'Australian Aboriginal peoples', both of whom are now turned into tiny minorities on their territories by European settlers. Hence, in situations where there are no overseas colonizers, the concept of indigenous peoples seems to make less sense (Miller, *et al.*, 2012). That is how some come to the above conclusion that the concept of indigenous peoples is not applicable in the African states (Ndahinda, 2012).

Indeed, in the African context, there is no one group that can claim 'indigenouness' to the African continent. Leave alone the continental level, even at the regional or state level it is difficult if not impossible to find a single group that could claim the status of 'indigenous people' to one African country. After all, African peoples' history is characterized by massive migrations that make it difficult to determine which group might be descendants of the first inhabitants (Reid, 2009). That is why the 'African Commission's Working Group on Indigenous Populations' disregarded the question of aboriginality or 'first comer' as a criterion by which to identify indigenous peoples in Africa (African Commission on Human and Peoples Rights (ACHPR) and International Work Group for Indigenous Affairs (IWGIA), 2006).

This being said, it is indisputable that different African ethnic groups have inhabited certain territories for centuries and at the moment are recognized by their states as the indigenous communities to those territories (Pyhälä, 2012). The Maasai and Turkana in Kenya, the Batwa in Burundi, the Fulani in Burkina Faso, the Baka in Cameroon, and many others could be mentioned who are recognized as indigenous peoples to certain territories of those states (ACHPR and IWGIA, 2006).

In the Ethiopian case, although it is proud of being the only African country that has not been colonized, the contemporary Ethiopia was only born in the last quarter of the 19th century through brutal subjugation and colonization of the western, southern and eastern peoples by the northern Abyssinian kingdom, as we shall see in the next chapter (Merara, 2003). Hence, it is unquestionable today that Ethiopia belongs to various indigenous communities who occupied their present territorial regions long before the Abyssinian conquest or the involuntary integration into the contemporary Ethiopia (Asafa, 1993).

Most importantly, however, the question of the ‘first comer’ is not the only criterion by which to identify indigenous people, according to the ‘Working Group on Indigenous Peoples in Africa’ (ACHPR and IWGIA, 2006). This Working Group, rather than putting forward a one-size-fits-all style definition for indigenous peoples, outlined key characteristics that could help identify indigenous peoples in Africa:

The overall characteristics of groups identifying themselves as indigenous peoples are that their cultures and ways of life differ considerably from the dominant society, and that their cultures are under threat, in some cases to the point of extinction. A key characteristic for

most of them is that the survival of their particular way of life depends on access and rights to their traditional lands and the natural resources thereon. They suffer from discrimination as they are regarded as less developed and less advanced than other more dominant sectors of society. They often live in inaccessible regions, often geographically isolated, and suffer from various forms of marginalization, both politically and socially. They are subjected to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority. This discrimination, domination and marginalization violates their human rights as peoples/communities, threatens the continuation of their cultures and ways of life and prevents them from being able to genuinely participate in decisions regarding their own future and forms of development (ACHPR and IWGIA, 2006, p.10).

These key characteristics are adopted as the working conceptual framework for indigenous peoples in this thesis since they precisely capture the kinds of indigenous peoples that this research is about. In this thesis, 'indigenous peoples' and 'indigenous communities' are used interchangeably. Another term that is sometimes used interchangeably with 'indigenous people' is 'minorities'. While most of the indigenous peoples are also minorities within their own states, not all minorities are indigenous peoples. This distinction is further discussed in the following section.

3.3.2. Indigenous Peoples as Distinguished from Minorities

Some argue that, instead of an indigenous peoples' rights framework, a minorities' rights framework would be more relevant and effective in claiming special protection for marginalized ethnic groups in Africa (Kane, 2008; Ndahinda, 2012). So why did I frame this thesis in light of the indigenous peoples' rights framework instead of minorities' rights framework? This is the question I want to answer in this section.

In the first place, there is no clear-cut line between indigenous peoples and minorities. Groups that identify themselves as indigenous peoples are most often also numerically a minority in their states, and minority groups also sometimes invoke the indigenous peoples' human rights framework to defend their own rights (Pyhälä, 2012). However, the nature and kinds of rights attributed to indigenous peoples and minorities under international law differs in some significant areas and this has its own major implication.

One of the basic differences between the nature of minority rights and indigenous peoples' rights regimes is that, whereas the former is formulated as individual rights, the latter is formulated as collective rights. This is already noticeable from the titles of the two declarations – i.e. the UN 'Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities' (UNDM) and the UN 'Declaration on the Rights of Indigenous Peoples' (UNDRIP). In the case of the UNDM, the use of the phrase 'Rights of Persons belonging to...' indicates that the declaration is designed to protect individual members of those minorities in question. Whereas, in the case of the UNDRIP, it explicitly uses the term 'People', a term that has a collective meaning under international law (Anaya, 1996; Thornberry, 2002).

When we look at the specific rights enumerated under these declarations, we could also observe the differences between minority rights and indigenous peoples' rights. Some of the specific key rights of minorities under the UNDM Article 2 include the right to enjoy their own culture, to use their own language, to practice their own religion, to establish their own associations, to participate in national affairs, etc.

These rights could be exercised by members of minorities in question individually as well as collectively with other members of their group. The point here is not to protect and preserve the group as such but to protect the individuals belonging to these groups (Thornberry, 2002).

Indigenous peoples also have these rights under the UNDRIP. However, some of the crucial rights of the indigenous peoples that distinguish them from minorities are formulated in the language of group rights. For instance, indigenous peoples' rights to land, territory and natural resources are collective rights that are given to a group and can only be enjoyed by a group not by an individual member of a group (Anaya, 1996; Thornberry, 2002). Most importantly, while the "Indigenous peoples have the right to self-determination [a collective right]" (UNDRIP Article 3), UNDM contains no such rights.

Therefore, even though overlaps are unavoidable between indigenous peoples and minorities, since the question of land, territory and natural resources is central to this thesis and to the kinds of groups that this thesis is about, the indigenous peoples' human rights framework is preferred in this thesis over that of minorities. However, 'minority' is also used in this thesis when generally referring to minority ethnic groups in Ethiopia and also when referring to any of the four peripheral regions, i.e. Afar, Benishangul-Gumuz, Gambella and Somali.

3.3.3. Indigenous Peoples' Right to Land, Territories and Natural Resources

The right to lands, territories and natural resources is one of the central rights for indigenous peoples. The UNDRIP refers to the term 'land' 21 times. This is because, according to Barume (2010), the question of lands, territories and natural resources is so inextricably intertwined with the indigenous peoples' capability to survive as people and to exercise other fundamental group rights. This is repeatedly reflected in the UNDRIP (2007, p.10):

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

In this regard, recognition and protection of indigenous peoples' rights to land is not only a question of access to their livelihood but also a question of group survival. Indigenous communities argue that, without this protection of their ancestral lands, it

is difficult to maintain the collective identity of an indigenous group (ILO and ACHPR, 2009). For instance, according to one UN report by Chavez, Chairperson-Rapporteur of the Working Group on Indigenous Populations:

In their interventions on the provisions of the declaration concerning lands, territories and natural resources, all indigenous representatives emphasized the critical importance of their relationship with their lands, territories and resources for their survival, their spiritual, economic, social and cultural well-being, and the effective exercise of indigenous self-determination (Chavez, 2002, p.8).

Likewise, Anaya (1996) argues that the right of indigenous peoples to use their land also includes their ability to access the resources that sustain life as well as to the geographical space necessary for the cultural expression and social reproduction of the group. Building on this line of argument, McNeil (2000) argues that the question of land for indigenous peoples is not a mere private property right, but a communal right that includes the recognition of the community leadership and legal system and therefore is more in the nature of title to territory than title to the land as such.

On the question of natural resources, the UNDRIP requires states to make sure that indigenous peoples maintain their right of access to vital natural resources such as water, plants and forests on their traditional lands (UNDRIP, Article 25). Access to these resources determines whether indigenous peoples' rights to livelihood and food are upheld (Knuth, 2009).

According to Perera (2009), associated with the right of access to natural resources is also the right to a healthy environment. Since indigenous peoples' lives are closely linked with their environment, if the environment is not safe and conducive, then they

cannot afford to continue living on their lands or they will be exposed to various environmental problems (Perera, 2009). The UNDRIP in its Article 29:1 explicitly provides for the rights of indigenous peoples to conserve and protect their environment:

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States should establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

Therefore, indigenous peoples' rights to lands, territories and natural resources carry far-reaching implications since access to these resources also implies access to food, health and a decent natural environment that allows for human development (Knuth, 2009). As such, for the indigenous peoples to effectively enjoy those rights, they might need to be granted political autonomy, which in some countries is ensured through a federal form of government. The following section discusses in detail the concept of federalism.

3.4. Federalism

3.4.1. Evolution of Federalism

To begin with the etymology of the concept, the term 'federal' is derived from the Latin word *foedus*, which, like the Hebrew term *brit*, means covenant (Elazar, 1991). In its original form, the federal idea was Theo-political, characterizing the partnership

between God and man as one in which both were bonded by a covenant to mutually rule over earth (Elazar, 1980).

The ancient Israelites transformed this theological concept of a covenant between God and man into an explicitly political practice to preserve their national unity by linking their twelve tribes under confederal political covenants (see the books of Exodus, Deuteronomy, Judges and Joshua in the Old Testament of the Bible). Although the Bible discusses the ancient Israelites' political system more in religious rather than political terms, it does lay foundations for the federal idea in its transformation of covenant from its original meaning as the relationship between God and man into an established political pact among partners. As Elazar argued, "the Israelites example represented federalism in its most complete form: a people founded by covenant and a polity organized on federal principles" (Elazar, 1987, p.120).

Another historical forerunner of the federal idea was the federal-style confederations that were formed by Greek cities as means for promoting intercity harmony and cooperation, primarily for defensive purposes. However, despite mentioning some specific leagues like the Achean and Aetolian leagues, the Greek writers left no theoretical discussions of the league as a political system (Friedrich, 1968).

With the birth of the Swiss and subsequently the Dutch confederations, a full-bodied concept of the federal idea emerged. In 1291 three independent states signed an alliance to create what is known today as Switzerland (Iff and Töpperwien 2008). These states signed the founding treaty, mainly for the purposes of defence against

outside enemies and of arbitration in the case of disputes among them. The confederation evolved slowly, new states were admitted and included with new treaties so that over time a complex treaty system developed, loosely uniting the states (Linder, 1994).

It was not until the development of the modern nation-state concept had come into being that the concept of federalism begun to theoretically take root. Modern federalism evolved as an alternative and or counteractive to the classic nation-state model that prevailed over Europe from the 16th century. The modern nation-state model was invented based on the notion of a single entity commanding universal loyalty on the part of all subjects or citizens and possessing full authority or sovereignty within its territorial limits (Bartelson, 1995; Hinsley, 1986; Jackson, 2007). At the core of the classic modern nation-state, was the principle that a state's sovereignty was indivisible, and indeed, for the state to properly exercise this sovereignty, the sovereignty had to be concentrated in a single centre (Franklin, 1992; Jackson, 2007). This concept of state sovereignty was developed by a Frenchman, Jean Bodin (1530-1596); hence it is not surprising that France was the first of the modern nation states (Franklin, 1992). In stark contrast to Bodin, Johannes Althusius (1562-1638), a man considered as the 'father of modern federalism', invented the concept of dispersed sovereignty among different territorial and corporate centres within a state to preserve traditional liberties and prevent absolutism. Althusius presented a comprehensive model of this polity in his *Politica Methodice Digesta* (1603 and 1614) and tried to implement that model as syndic of Emden (Elazar, 1987; Friedrich, 1968).

The emergence of contemporary federalism in the theoretical framework as we know it today, however, is greatly attributed to the birth of American federalism. The founders of American federalism, although they shared and borrowed many concepts from their predecessors, went further both theoretically and practically to establish a federal framework that still today is referred to as the archetype of contemporary federalism (Lacroix, 2011). In addition to the federal principles of dispersed sovereignty, freedom and autonomy for federal sub-units, the founders of American federalism introduced a stronger separate federal government with a presidential executive, two houses – of which one represents the nation and the other the states, a judicial guardian of the federal constitution, and a broad guarantee of civil rights and liberties for the citizens (Sutton, 2002). American federalism was built on the notion that, in a federal system of government, citizens belong both to their own states and to the nation; that these two levels of the government should be clearly distinguished and effectively provided with their own executive, legislative and judiciary; and that in the establishment and operation of the federal government the member states as states must play a distinctive role (Riker, 1987). These principles of American federalism later on become the bedrock principles upon which contemporary federalism was founded, as we can see from the discussion in the following section.

3.4.2. Defining Federalism

Different scholars have greatly enriched the knowledge of what it means for a state to be considered federal. According to King:

Federation [is] to be most significantly distinguished from other forms of sovereign state by the fact that its structure is grounded in the representation of regional governments within the national or central legislature on an entrenched basis (King cited in Burgess and Gagnon, 1993, p.94).

For King, representation of regional units at central government level is the key distinguishing characteristic of federalism. He continued that, “the chief distinguishing feature of a federation is the territorial grouping of its citizens, and the means by which these groups are represented” (King cited in Burgess and Gagnon, 1993, p.95). Therefore, despite the fact that King has drawn upon other characteristics of federalism, ‘representation’ for him remains the heart of what makes a nation to be categorized as a federation. However, according to Elazar:

Federal polities are characteristically noncentralized; that is, the powers of government within them are diffused among many centres, whose existence and authority are guaranteed by the general constitution, rather than being concentrated in a single centre (Elazar, 1987, p.34).

As far as Elazar (1987) is concerned, the division of power among different levels of government makes the true genius of federalism. His emphasis on ‘power sharing’ as a prime yardstick for measuring federations is evident in his frequent reference to the term ‘power sharing’, his illustrations, and the flow of his general arguments pertinent to federal systems. For example, he opposes the notion of a ‘capital city’ in federal states, because for him, a ‘capital city’ represents a single centre of power which contradicts his fundamental feature of a federation – i.e. the diffusion of power among many centres. Hence, for Elazar, Bern should not be called the capital city of Switzerland but only a seat of the federal government.

Burgess and Gagnon (1993) on their part have underlined another facet of federalism; that is, the need to protect minorities' interests and respect diversities. They are not alone in stressing this particular feature of federalism. Duchacek argues that:

A federal constitution may therefore be seen as a political compact that explicitly admits of the existence of conflicting interests among the component territorial communities and commits them all to seek accommodation without outvoting the minority and without the use of force (Duchacek, 1970, p.192).

Similarly, Kymlicka (2001) through his discussion about the experience of Francophone Quebec province in Canada argues that:

Under the federal division of powers in Canada, the province of Quebec (which is 80 per cent francophone) has extensive jurisdiction over issues that are crucial to the survival of the francophone society, including control over education, language, culture, as well as significant input in to immigration policy. The other nine provinces also have these powers, but the major impetus behind the existing division of powers, and indeed behind the entire federal system, is the need to accommodate the Quebecois (Kymlicka, 2001, pp.95-96).

Another important characteristic of federalism accentuated by Hicks and King is constitutionalism and democracy. Hicks argued that, "The objective of federation is a form of government for the people by the people; that is to say it is inherently democratic" (Hicks, 1978, p.4). Along the same line of argument, King (1982) concluded that only those governments that practice democracy, and are thereby subordinated to the rule of law, are judged as federations.

All the above definitions tell us one thing: federalism is not a unitary concept with a single central characteristic. It is an embodiment of several equally important

principles. As such, taking one of the above definitions as a working definition for federalism cannot really capture the whole genus. Therefore, based on the above discussion, instead of one working definition, I will elaborate on some of the core principles of federalism which I will use as frames of reference throughout the thesis.

A. Constitutional Division of Powers

The division of powers among constituent units of a federation is one of the most notable features of federalism. As defined by Kymlicka:

Federalism refers to a political system which includes a constitutionally entrenched division of powers between a central government and two or more subunits (provinces, states, cantons), defined on a territorial basis, such that each level of government has sovereign authority over certain issues (Kymlicka, 2001, p.94).

Even though divisions of powers also exist under non-federal political arrangements, what distinguishes the two systems is that – under federal arrangements neither the federal nor the sub-units are subordinate to the other. This means that the two levels of government have sovereign powers directly derived from the constitution rather than from another level of government. In federalism, each level of government is empowered to deal directly with its citizens in the exercise of its executive, legislative and taxing powers, and each is directly elected by its citizens (Watts, 2008). However, the ways in which powers are constitutionally shared and the areas of jurisdiction assigned to each level of government could vary among different federal states.

Generally speaking, in most federal states while foreign affairs, national security and monetary union are assigned to the jurisdiction of the federal government, local economic development issues and social affairs such as health services, education and social welfare including local government are usually assigned to the regional governments (Watts, 1996). Likewise, the concept of power sharing in federal states goes hand in hand with the distribution of wealth and income. As Iff and Töpperwien (2008) have argued, in genuine federal states, not only are legislative, judiciary and executive powers shared but also mechanisms for sharing wealth and income are constitutionally entrenched.

B. Representation of Federal Sub-units at the Centre

Burgess and Gagnon (1993) have warned that federations cannot be established through coercion and force from above or sustained by the threat of military power. In federal systems, the government has to be legitimate both from citizens as individuals and from the federal sub-units as collectives. As Dosenrode argued:

In all genuine federations the federal level gets its legitimacy from the people in one or the other way: the president may be directly elected as in the US, or the members of the first house are directly elected as in Austria, Germany, Belgium, Switzerland and the US. Thus the people participate in the governing of the federation both at member state level and at the federal level (Dosenrode, 2007, p.23).

In federal systems the federal/central government obtains its legitimacy through the representation of the federal sub-units at the centre/federal level. King stated that,

A federation may be viewed as a sovereign state marked by the fact (a) that its representation is preponderantly territorial; (b) that this territorial representation is characteristically secured on at least two sub-national levels (which I shall refer to as 'local' and 'regional' government);

(c) that the regional units are incorporated electorally, perhaps otherwise, into the decision procedure of the national centre; and (d) that the incorporation of the regions into the decision procedure of the centre can only be altered by extraordinary constitutional measures, not for example by resort to a simple majority vote of the national legislature, or by autonomous decision of the national executive (King, 1982, p.143).

According to this argument, representation of territorially-based regional units at central government level on an entrenched constitutional basis is an essential feature of federalism. Representation in federal systems is normally ensured through two chambers (bicameral system). The first or lower chamber by and large represents the interests of a country as a whole and it serves as the power base for the federal government (Watts, 1996). The members of the first chamber are normally elected by popular vote in the federal constituent units based on population size, as in Germany, Switzerland, the United States, Austria and Belgium (Aalen, 2002). The second or upper chamber, on the other hand, represents the interests of the constituent units of the federation as collectives. Different federations have different ways of appointing members of the second chamber. They could be directly elected by the people, as in the United States; elected by the regional state legislatures, as in Switzerland; or they could be delegates from the state executives, as in Germany (Sharman, 1987). In most federations, second chambers play the role of checking the power of the federal government by its constituent units and ensure that all policies/legal actions of the federal government take into account the interests of minority regions as they do for the majority (more populous) regions (Watts, 2010).

C. Protection of Minorities

The relationship between federalism and minorities is as old as the federal idea itself. As already discussed, the concept of federalism (dispersed sovereignty among many centres within a single state) was originally invented by Johannes Althusius – intellectual father of federalism – as a moral shield for his minority Calvinist city of Emden against the then dominant Catholic emperor and the Lutheran provincial lord (Carney, 1965). According to Hueglin (1999), for Althusius, the power of the government must be limited. The state and all human social institutions are gifts of God and owe accountability to God for their actions; hence, the state cannot ever claim ultimate sovereignty. In other words, for Althusius, if ever the state transgresses its divinely ordained authority, it becomes illegitimate. In contrast, a legitimate state is that which undertakes all actions of its administration according to law (Hueglin, 1999). Therefore, when a state ceases to direct its power towards the common good and attempts to release itself from the power and jurisdiction of God, it forfeits its authority to rule. Althusius developed this theory to justify minorities' resistance against majorities' tyranny. Following Althusius's theory of dispersed sovereignty, the French Huguenots (French Calvinists) justified their resistance against unitary France based on the argument that people who live in a distinct community or territory have a God-granted right to resist rulers without rightful claim (Ephrem, 2010).

Likewise, on the relationship between federalism and minorities, Gagnon has argued as follows:

The political uses of federalism have been particularly notable with respect to the protection of minorities. For most ethnic groups and territorially structured communities, federalism has the advantage of being a provider of accommodation with the potential to respond adequately to problems occurring in multicultural and multilingual settings (Gagnon, 1993, p.21).

Kymlicka (1995, 1996, and 2001) on his part has extensively discussed some practical aspects of the relationship between federalism and protection of minorities. In the first place, he argues, under federal systems where minorities are territorially concentrated in one or more geographical region, the boundaries of the federal sub-units can be drawn in order for minorities to become a majority in one or more of the federal sub-units. Under this arrangement, federalism can provide extensive self-government rights for a minority by constitutionally guaranteeing its ability to make decisions in certain policy areas without being outvoted by the larger society (Kymlicka, 2001). Secondly, he continues, most often regional autonomy alone may not be enough to protect minorities' interests if they are not effectively represented at central government level. Hence, under federal systems, minorities can be given special representation rights (e.g. quota system or veto power) at a central government level so that their interests are taken into account in the central decision-making process. Above all, Kymlicka (1995) argues, with the exception of a few federal states, many federations around the world today embraced federalism in the first place to accommodate and protect national minorities and/or regional diversities.

D. Constitutionalism and Democracy

As discussed above, constitutional division of powers, representation of regional governments at federal level and protection of minorities on an entrenched

constitutional basis constitute some of the essential characteristics of federalism. Hence, Elazar (1987) argued that, for a state to be classified as a federation, it must have in the first place a written constitution that outlines, among other things, the division of powers, procedures of representation and mode of minorities' protection.

The concept of constitutionalism, however, goes beyond the mere ratification of a set of rules and procedures (Belz, 1998). It includes the idea of limited government and the supremacy of law. In other words, constitutionalism is the idea that government should be limited in its powers and that its authority depends on its observation of these limitations (Allen and Thomson, 2005). In this regard, Watts argues that:

Recognition of the supremacy of the constitution over all orders of government and a political culture emphasizing the fundamental importance of respect for constitutionality are therefore prerequisites for the effective operation of a federation (Watts, 2008, p.157).

Building on this line of thought, Forsyth (2010) argues that, if the culture of constitutionalism is lacking in a federation, then it would likely deteriorate into a situation in which one or other level of government subordinates the other, thereby undermining other basic features of federalism.

Another important tenet for realization of genuine federalism, according to Burgess and Gagnon (2010), is democracy. They have argued that, in the contemporary world, democracy is recognized as a necessary element of good governance and decisions that are made in accordance with established democratic procedures are regarded as legitimate. Hence, they concluded that federalism and democracy reinforce each other; one cannot be complete without the other; most notably

federalism cannot be fully realized without democracy. Federalism only becomes meaningful in polities whose processes of government reflect the federal principles. In other words, a polity may have in place federal structures, and it may enshrine federal principles in its constitution, but there may still be no federalism in operation (Burgess and Gagnon, 2010).

Drawing upon the Russian example, Ross and Campbell (2010) argued that, although Russia has adopted all the key structural trappings of federalism and the constitution does indeed enshrine many of the key federal principles, in practice neither the federal authorities nor the federal subjects have fully lived up to these federal principles. Hence, they concluded that, in the absence of democratic political culture, Russia can only be considered as a federation without federalism. Ross (2002) has also cited other federal countries that have turned into dictatorships due to lack of democracy, such as former Yugoslavia, Pakistan and Mexico.

For King (1982), federalism and democracy are only two sides of the same coin and for true federalism to function relations between the centre and regions must be grounded in constitutional law and democratic representation. To emphasize this positive relationship between federalism and democracy, Elazar has also argued that:

By distributing power, federalism curbs arbitrary rule, both at the centre and locally. It decentralizes responsibility while providing a mechanism to restrain potential local conflicts and abuses. It provides a school of democracy, and it quite literally brings government closer to the people (Elazar, 1987, p.233).

Therefore, in a nutshell, in this thesis federalism is conceptualized as a system of government where state sovereignty is constitutionally shared between the centre and the federal sub-units; regional interests are represented at the central government level; minority rights are entrenched in the constitution; and supremacy of the law and democratic principles are observed.

3.5. Conclusion

This chapter has tried to revisit and provide working definitions for the three keywords (i.e. LSLA, indigenous peoples and federalism) of this thesis. Although these three keywords seem to be independent in their own rights, from the above discussion it becomes apparent that they also share a common denominator. This common denominator is the place of honour accorded to land under all the three keywords. In the first case of LSLAs, land – in the form of agricultural land – is explicitly situated at the centre of the debate about the contemporary LSLA. In the second case of indigenous peoples, attachment to land is the *sine qua none* of their identity as people. Finally, federalism as a political system requires an identifiable land – in the form of geographical area or territory - on which regional sovereignty or autonomy could be exercised. Therefore, despite the apparent independence of these three keywords, the question of land, whether in the form of agricultural land or territory, cuts across these three themes. As such, land as a cross-cutting theme deserves special attention in this thesis. Therefore, the following chapter looks at the history of land and politics in Ethiopia.

Chapter Four: The History of Land and Politics in Ethiopia

4.1. Introduction

Following the placing of land as a cross-cutting feature for the three keywords discussed in the previous chapter, this chapter puts the spotlight on its significance both as a productive economic resource and political instrument under the successive regimes of Ethiopia. Ethiopia is a country that relies heavily on agriculture, mainly in the form of small-scale cultivators, who account for 85% of the Ethiopian population (CSA, 2007). In Ethiopia, the agricultural sector accounts for 85% of employment, 60% of exports and 41% of the GDP (CIA World Factbook, 2012). Hence, this makes the question of who controls the land an important question both in economic and political terms. Moreover, the fact that poverty, famine and hunger have been some of the defining features of Ethiopian history makes the question of control over land again a very important question. Therefore, this chapter discusses the nexus between land and politics under three regimes namely, the Imperial, the *Derg* and current EPRDF. In order to contextualize the discussions, brief introduction as to how those regimes evolved and consolidated their powers will be discussed under each section.

4.2. The Imperial Regime (1855-1974)

The origin of the contemporary Ethiopia as an organized and independent polity dates back to the first century A.D., with the first kingdom in the Abyssinian highlands located at Axum in what today straddles northern Ethiopia and southern Eritrea (Marcus, 2002). In the mid-fourth century the Axumite king Ezana adopted Christianity, which became one of the most important elements that shaped the subsequent Ethiopian political history (Endale, 2012). However, the rise of Islam in the Arabian Peninsula in the 7th century crippled the Axumites and isolated them culturally and commercially from the rest of the Christian world, particularly the Byzantine Empire. This economic isolation of the Axum Empire led to its southward expansion and subsequently the birth of the contemporary Ethiopian state (Marcus, 2002).

4.2.1. Evolution and Consolidation of the Ethiopian state

The evolution of the contemporary Ethiopian state is a source of profound, even bitter, contention among politicians and historians (Asafa, 1998; Solomon, 1993; Zewde, 1975). At one extreme, pan-Ethiopian nationalists argue that the contemporary Ethiopia is a 3,000-years-old ancient state created through gradual incorporation and voluntary assimilation of other ethnic groups into the northern Amhara/Tigray core cultures (Solomon, 1993; Zewde, 1975). According to this perspective, as well represented by Solomon (1993), the historical ruling class in Ethiopia cannot be identified with a particular ethnic group. They were multi-ethnic groups whose only common denominators were that they were Amharic speakers,

Orthodox Christians, and claim lineage to the Solomonic dynasty¹². Hence, according to pan-Ethiopian nationalists, Ethiopia is the melting pot *par excellence*. In other words, it is a nation-state (Solomon, 1993; Zewde, 1975).

At the other extreme, ethno-nationalist groups, such as the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF), claim that contemporary Ethiopia is a colonial state created through conquest and colonization (Asafa, 1998, 2005; Mohamed, 2007). According to this perspective, Abyssinia – the historic core of Ethiopian polity – colonized over half of the current Ethiopian territories and peoples to form a colonial empire-state in the last quarter of the 19th century. Ethiopia, from the ethno-nationalist vantage point, is a colonial empire that needs to undergo decolonization where ‘ethno-national’ colonies become independent states. Thus, the image portrayed by this perspective is one of Ethiopia as a colonial-state (Asafa, 1998, 2005; Mohamed, 2007).

Straddling the two extreme viewpoints is one that makes a distinction between the ancient Abyssinian state of two or three millennia and the modern state of Ethiopia emerging in the second half of the 19th century (Markakis, 2003). According to this perspective, the creation of the contemporary Ethiopia is associated with Emperor Tewodros II (1855-1868) who ended the instability and rivalry of the *Zemene Mesafint* or ‘Era of the Princes’¹³ (Marsden, 2007). However, as Emperor Tewodros II became more authoritarian in his leadership, he lost the support of the regional

¹² Solomonic Dynasty or the House of Solomon was the former imperial house of Ethiopia. Its members claim descent from King Solomon of Israel and the Queen of Sheba. The tradition asserts that the biblical Queen Sheba who visited Solomon in Jerusalem gave birth to Menelik I who became the first Solomonic Emperor of Ethiopia around 950 BC (Bahru, 1991).

¹³ *Zemene Mesafint* or ‘era of the princes’ (1769-1855) was a period in Ethiopian history known for violent struggles among princes mainly from Gojam, Tigray and Wollo regions who were fighting for the control of Gondar, the imperial centre (Bahru, 1991).

kings, which subsequently contributed to the collapse of his rule. In the fight for successor among the regional kings, Emperor Yohannes IV (1872-1889), the regional King of Tigray, won the race and became the first Tigrayan Emperor to take the throne from the Amhara (Pankhurst, 2001). Unlike Tewdros II, who chose the path of confrontation with regional powers, Yohannes IV devolved power to monarchs who recognized him as 'king of kings'. After the death of Yohannes IV in 1889, Menelik II (1889-1913), an Amhara, managed to reclaim the throne from the Tigrayan line of successors.

Emperor Menelik II, known as the modernizer, pursued a policy of expansion (Parker and Abraham, 1995). He expanded his rule from the central highland regions to the south and east of the country and consolidated the borders of the contemporary Ethiopian state. He defeated powerful traditional kingdoms including some who had not previously been under the rule of Abyssinia such as the Wolaita in the south, the Oromos, the Sidama, the Kafa and others (Bahru, 1991). These peoples were defeated and forced into submission to the Abyssinian state, a conquest similar to that of the European colonization elsewhere in Africa (Asafa, 1998). Toward the end of the 19th century, following the battle of Adwa in 1896, Ethiopia was recognized as a sovereign state by the major European powers and the contemporary Ethiopian state came into being (Bahru, 1991).

After a series of events, Ras Tafari Mekonnen was crowned emperor and given the regnal name 'Haile Sellassie' meaning 'Power of Trinity' in 1930. His full title in office was 'His Imperial Majesty Haile Selassie I, Conquering Lion of the Tribe of Judah, King of Kings of Ethiopia, Elect of God' (Parker, 1995). Haile Sellassie centralized

the state and expanded Ethiopia's civil society. He fostered unity through the mobilization of a national army, a modern infrastructure and communications, and a pan-Ethiopian economy (Spencer, 2006). The Emperor was also instrumental in garnering foreign aid while he was in exile in Britain during the Italian invasion in the 1930s. Ethiopia's determination not to be colonized, coupled with the pressures of World War II Allied Powers on Italy, forced Italy out of Ethiopia once more (Spencer, 2006). Haile Sellassie then returned to Ethiopia in 1941 from exile and continued his reign. However, he soon faced external challenges over Eritrea and the Ogaden,¹⁴ and later on internal challenges from his own military, university students and the urban working class, which eventually brought his reign to an end (Markakis, 1974).

4.2.2. Land and Politics under the Imperial Regime

It needs to be noted that Menelik's II expansion campaign to the southern parts of the contemporary Ethiopia took place around the same time of the European scramble for Africa. In one of his letters to the European colonial powers sent in 1891, Menelik II stated that, "If powers at a distance come forward to partition Africa between them, I do not intend to be an indifferent spectator" (cited in Markakis, 1974, p.24). As such, Menelik's II expansion motives and subsequent treatment of the newly conquered territories and their subjects was not that different from what the other European colonizers were doing elsewhere in Africa (Hussein, 2004). Firstly, among other desires, Menelik II wanted to expand his territories and consolidate his powers in the newly acquired territories. Secondly, Menelik's II expansion was also

¹⁴ The Eritrean Liberation Front and the Ogaden Liberation Front were established in the early years of 1960s, each fighting for the liberation of their respective regions from Ethiopia (www.onlf.org; Markakis, 1988)

driven by economic interests of securing the flow of resources such as ivory, gold, agricultural products and even slaves (Markakis, 1974). These economic interests had both domestic and international significance for Menelik II in terms of maintaining his empire and linking Ethiopia to the global economy (Clapham, 2002). Hence, it is against this general political economy of the southward expansion of the imperial Ethiopia that land policies in particular need to be revisited.

Land policies under the imperial Ethiopia had never been uniform throughout the country. While the imperial Ethiopia maintained the local land tenure systems among the northern ethnic groups of Amhara and Tigray, it introduced a new range of tenure systems in the conquered territories in the south (Cohen and Weintraub, 1975). In the northern part of the country, a customary land holding system known as the *rist* in Amharic or *risti* in Tigrigna was preserved and respected by the involved imperial officials and local political institutions (Bezuwork, 1992). Under the *rist* system, peasants had the right to use, rent and inherit the land from their family members. People who obtained their land through *rist* (which literally means inheritance), either from a family member or from the village, were allowed to maintain indefinite use rights over their possession (Markakis, 1974). However, since land is taken as a communal property, individuals had no right to sell the land (Hoben, 1973). The major significance of the *rist* system was the tenure security it provided to the peasants since it gave them almost an absolute or unchallenged control over their landholdings vis-à-vis the state. As Hussein has argued, “As far as political authorities, including the Emperor, or landlord interventions were concerned, there was no tenure insecurity or fear of being evicted from the *rist* land” (Hussein, 2004, p.3). Although there had been the practice of periodic land redistribution in the north,

some argue that this was not an externally or politically imposed practice; rather it was done locally by the concerned communities to provide for their young generation of peasants (Cohen and Weintraub, 1975; Weissledre, 1965). Therefore, in addition to the tenure security it provided, the concept of *rist* or being a *ristegna* (a person with hereditary land rights) also meant political and social benefits of freedom, pride and belongingness to a society (Hoben, 1973).

This was in stark contrast to the new range of tenure systems that the imperial regime had introduced in the conquered southern and western parts of the country. Here, the imperial regime divided the rural land into three categories of 'private land', 'state land' and 'church land' (Cohen and Weintraub, 1975). The regime expropriated lands from the local people and then categorized them under the above-mentioned titles. They employed different means of expropriating lands from the southern and western peasants. Firstly, lands were taken by sheer force from the southern and western rural farmers as a consequence of the northern conquest of those territories (Bahru, 1991). Those lands were then transformed into the private property of the respective northern military officials or reserved as state land to be distributed to the loyalists. Secondly, lands were also expropriated from individuals and communities who failed to pay taxes to the emperor (Markakis, 1974). These lands were then permanently transferred either to the state or to the Church (Ethiopian Orthodox Church). Thirdly, the imperial regime confiscated what it called the 'unused' or 'excess' lands in the southern and western parts of the country although these lands were sometimes used by villagers for different purposes (Hussein, 2004).

These expropriation strategies resulted not only in exploitative economic relations between the southern/western peasants and northern landlords, but also in absolute political subordination of the southerners to the imperial representatives and northern landlords. Consequently, as well documented by many researchers, a majority of the peasants in the south and west were transformed into tenants (locally known as *Chisegna*) of the predominantly northern landlords (Clapham, 1988; Cohen and Weintraub, 1975; Pausewang, 1983; Weissleder, 1965). During that time, it was estimated that the number of tenant rural farmers was as high as 39% in Sidamo and 75% in Illubabor (Cohen and Weintraub, 1975). In the extreme cases, as demonstrated by the experience of the Nekemte province (western Ethiopia), it was estimated that over 80% of the rural farmers were reduced to the status of tenants working for the northern landlords and government officials (Clapham, 1988). Hence, those southern and western tenants had to live and work under uncertain conditions and excessive dependence on the predominantly northern landlords and imperial representatives.

Another impact of the new land titles introduced in the south by the imperial regime was the emergence of the sharecropping system. This is a system of agriculture in which a landowner allows a tenant to use the land in return for a share of the crop produced on the land (Cohen, 1974). Since this was an unregulated practice, southern and western tenants were left to the mercy of their northern landlords who were reported to sometimes take as much as 3/4 of the land products from their tenants (Dawit, 1989). Moreover, studies have shown that landlords in the south and west were commonly forcing their tenants to render other labour services without

compensation. Failure to give free labour service to the landlord would result in eviction of the tenants (Bezuwork, 1992; Dawit, 1989; Shiferaw, 1995).

The introduction of mechanized farming in the 1960s created another big problem for landless tenants in the southern and western parts of the country (Cohen and Weintraub, 1975). Hoping for a better land return, the landlords rented their lands to mechanized farmers, or those who had the capacity switched to mechanized farming, to increase their production and get better benefits. As a consequence, the landlords evicted the tenants from their lands, creating a mass of landless farmers in the southern and western parts of the country (Dawit, 1989; Shiferaw, 1995). Clapham (1988) found that, as a result of mechanized farming in the southern provinces such as Arsi, Bale and southern Shewa, a portion of the poor peasants were either turned into part of the agricultural workforce or were displaced from their villages to go to the urban centres in search of jobs or migrated into 'marginal' areas to seek plots of land to cultivate.

In addition to the above-mentioned economic impacts on the southern and western Ethiopians, the tenure systems imposed by the imperial Ethiopian regime also relegated the southerners and westerners to an inferior political and social class. As such, the imperial land policies in the south and west produced a "political and social structure that had created an enormous inequality in wealth and power along class and ethnic lines" (Alemneh, 1987, p.32). Although the Haile Selassie regime attempted several land reforms, none materialized as they were either watered down by the parliament, which was made up of the landlords themselves, never promulgated or not communicated to the people affected. According to Brietzke,

“Haile Selassie was not committed to land reform: he could have promulgated reforming laws as Decrees under Article 92 of the revised constitution of the 1955, rather than waiting for parliament to proclaim them” (Brietzke, 1976, p.645).¹⁵

In conclusion, it could be stated that the imperial land policy in the southern and western parts of the country greatly alienated the majority of farmers and created second-class citizens of tenants without proper rights vis-à-vis the predominantly northern landlords and government officials. In addition to economic exploitation, land was also used as a political means through which the landlords and state officials ensured the loyalty of their subjects and punished the disloyal. As such, these policies created great dissatisfaction in the rural areas towards the state and contributed on the one hand – to the discourse that precipitated the fall of Haile Selassie in particular and end of monarchy in general, – and on the other – to the rise of the *Derg* regime, which will be discussed as follows.

4.3. The *Derg* Regime (1974-1991)

The rise of the *Derg* to power marked a radical change in Ethiopian history as the monarchy was abolished and replaced by a Leninist political system. The subsequent sweeping reforms – particularly the famous 1975 land reform – fundamentally transformed not only the agricultural production systems but also the organization of the rural political structures and power relations between different

¹⁵ “The emperor Haile Sellassie himself and his family, together with barons and lords in both houses of parliament were owners of the vast tracts of land, and any change in land reform would mean harming their interests” (Daniel, 2012, p. 4).

rural stakeholders. Nevertheless, despite these sweeping changes, the nature of the state-communities relations or some elements of it seems to have persisted throughout the new regime. The aim of this section is to discuss those transformations and continuities, particularly in relation to the nexus between land politics under the *Derg*. In order to contextualize it, the first section discusses the events that brought the *Derg* to power and how they eventually shaped the consequent reforms. Then the relationship between land and politics under the *Derg* regime will be discussed in the second section.

4.3.1. The *Derg*: Evolution and Consolidation of Power

Several events contributed to the downfall of the imperial regime and its replacement by the *Derg* in 1974. As Clapham argued:

Far from constituting a coup *d'état* in the normal sense of the word, they [events that brought down Haile Sellassie] consisted in a series of mutinies, strikes and demonstrations through which all of the elements in the potential urban opposition to the regime were progressively mobilized, and in a series of desperate countermeasures through which the imperial government unsuccessfully sought to stave off impending collapse (Clapham, 1988, p.38).

Although earlier demonstrations by the university students and demands for political and economic reforms from the urban elites marked the first overt discontent towards the imperial regime, the immediate event that triggered the 1974 revolution was to a great extent attributed to the mutiny of the Territorial Army's Fourth Brigade at Negele in the southern province of Sidamo on 12 January 1974 (Lefort, 1983). The mutiny *per se* was described as a simple dissent over poor food and water

conditions. However, when senior officials went to investigate the problem, the mutineers arrested them, giving the simple dissent some political overtones (Clapham, 1988). Soon, the simple mutiny in the deep south spread to other military units, with a second one breaking out in the far north region of Eritrea. The Second Division at Asmera, capital of Eritrea, imprisoned its commanders and announced its support for the Negele mutiny. The Signal Corps, in sympathy with the uprising, broadcasted information about events to the rest of the military (Ofcansky and Berry, 1991). As a consequence, further and much more dangerous mutinies broke out in the Fourth Division headquartered in Addis Ababa, and the air force base near Addis Ababa (Clapham, 1988).

To make things worse for the imperial regime, a series of demonstrations and strikes from different sections of the civilian populations in Addis Ababa also broke out around the same time. Students protested against a proposed new education policy,¹⁶ teachers were demanding better pay and taxi drivers went on strike over increased fuel prices (Ofcansky and Berry, 1991). As the time went on, other issues were added to the demands, including issues about land reform and the famine in Wollo that was estimated to have left hundreds of thousands dead (Ofcansky and Berry, 1991). Eventually, the different discontented urban groups called for a new political system, which led to the resignation of the Prime Minister, Aklilu Habte-Wold, and his replacement by another aristocrat, Endalkachew Mekonen, on February 28, 1974 (Lefort, 1983).

¹⁶ The new education policy proposed an “expansion of basic education in the countryside, and relative restriction of secondary and university education in the towns causing uprising among the urban students in particular and dwellers in general” (Clapham, 1988, p.38).

The reforms introduced by Endalkatchew were either perceived as window dressing or too late to contain the mounting urban discontent and the mutinying military units. In fact, the military, realizing that it was getting the upper hand in the unrest, even became more determined to exploit the opportunity to its own advantage. In order to ensure cohesion within the army and effectively coordinate the revolution, a common front was formed called the 'Coordinating Committee of the Armed Forces, Police, and Territorial Army'. In Amharic it was called the *Derg* meaning 'committee' or 'council' (Ofcansky and Berry, 1991). Its membership was drawn from each of the main units of the army, air force, navy and police. Different sources have given different figures about the actual number of *Derg* members. For instance, Clapham (1988, p.40) stated that they were 108, while Aregawi (2009, p.127) said they were 109 and others such as Ofcansky and Berry (1991, p.28) and Pankhurst (2001, p.269) put the number at 120. The *Derg* soon began arresting leading figures of the government thereby forcing Prime Minister Endalkachew, who felt powerless to prevent the arrest of his own members, to resign on 22 July 1974 (Clapham, 1988). Thereafter, the *Derg* went after the emperor himself, abolishing his governing council, arresting the commander of the Imperial Bodyguard and nationalizing his assets. By late August, the *Derg* accused the emperor of covering up the Wello and Tigray famine of the early 1970s.¹⁷ In order to intensify urban opposition to the emperor, the *Derg* showed a "television film which contrasted the starvation of the peasants with the luxury in which the emperor lived" (Clapham, 1988, p.40). As a result, street demonstrations took place urging the emperor's arrest, and then the *Derg* formally deposed Haile Selassie on 12 September 1974 and imprisoned him. Three days later, the *Derg* transformed itself into the Provisional Military

¹⁷ The famine in Wollo and Tigray is estimated to have killed 100,000 – 200,000 between 1972 and 1974 (Ofcansky and Berry, 1991).

Administrative Council (PMAC) and proclaimed itself as the nation's ruling body (Clapham, 1988; Lefort, 1983; Ofcansky and Berry, 1991; Pankhurst, 2001).

This marked the beginning of the end for the rise of the military dictatorship that would define and dominate the Ethiopian political scene for the next seventeen years. After three years of bloody internal conflicts within the *Derg* that left its first and second chairmen executed, Mengistu Haile Mariam emerged as the indomitable leader of the *Derg* on 3 February 1977, assuming at latter stages the position of the Secretary General of the Workers Party of Ethiopia (WPE) and President of the Peoples Democratic Republic of Ethiopia (PDRE), while remaining Commander in Chief of the Armed Forces (Clapham, 1988).

4.3.2. Land and Politics under the *Derg*

One of the famous slogans during demonstrations against the imperial regime was '*Meret le Arashu!*' an Amharic translation for 'land to the tiller', a catch phrase in the 1970s among the land reformists (Ellis, 1992). As such, it was already predictable that land reform would be one of the priorities of any new regime succeeding Haile Selassie. That was what the *Derg* did. In its first ten-point policy directions issued on 20 December 1974, numbers four and seven state that "Every regional administration and every village shall manage its own resources and be self-sufficient...The right to own land shall be restricted to those who work on the land" (Lefort, 1983, p.84). In 1975 the *Derg* enacted a law known as the 'Proclamation to Provide for the Public Ownership of Rural Lands' – hereafter referred to as the

'Proclamation 31/1975'. This proclamation became the legal basis upon which the *Derg* redistributed the rural land to the farmers who had been working on it under exploitative tenancy agreements with their landlords.

The most significant provisions of this proclamation were that, in the first place, it declared all rural lands to be the property of the state without any compensation to previous right holders (Proclamation 31/1975, Article 3). The proclamation eradicated the private land ownership systems that had existed in the southern and western parts of the country and placed those lands under community ownership (Article 3:1, 2). In order to administer and facilitate rural land redistribution, Peasant Associations (PAs) were formed in almost every village. The PAs were given power to redistribute rural land to local farmers and adjudicate rural land-related disputes. Under this proclamation, only individuals who directly worked on the land were entitled to land and hiring labour was generally banned (Article 4:5). Since land was placed under community ownership through the PAs, any transfer of land through whatever means like sale, lease or mortgage was prohibited (Article 5). Farmers were only given use rights and not private ownership rights. Moreover, as a direct response to the imperial land policies, tenancy and landlordism in general were abolished (Article 6:3).

The 1975 land reform was therefore a radical departure from the imperial land policies and related historically entrenched practices. The reform fundamentally shifted not only the rural land ownership from the landlords to the tenants but also the rural political power from the absentee landlords to the local PAs (Ottaway and Ottaway, 1978). In a dramatic power shift, the former losers under the imperial

regime – i.e. the peasants – became the new winners, and the old winners – i.e. the landlords – became the new losers as land was confiscated from them without any compensation. In the early years of the land reform, the peasants enjoyed the freedom of consuming all the fruits of their labour and also felt tenure security as they were given indefinite land use rights (Pausewang, 1990). Taking all this into account, it was not surprising therefore that the reform measures were warmly welcomed by the majority, particularly in the southern and western parts of the country.

Nevertheless, despite its early achievements and popularity among the rural communities, the *Derg*'s popularity waned rapidly as a consequence of its pre-occupation with political control of all aspects of society's life (Hussein, 2004). The politicization of the PAs is an excellent illustration in this regard, as the *Derg* gradually subjected the PAs to political control (Hussein, 2004). Hence, "what was established in order to promote local democracy, justice, and peasants' rights, has in practice turned into a control for administrative efficiency and against popular participation" (Pausewang, 1988, p.264). Or, in other words, for the most part, the PAs were converted into "extensions of state power, rather than agencies of self-administration" (Clapham, 1988, p.161). As a consequence, PAs lost their legitimacy and moral authority among the rural populations – the very populations they were created to represent and serve.

Similarly, the establishment of 'Agricultural Producer's Co-operatives (APC)' and an 'Agricultural Marketing Corporation (AMC)' produced adverse effects on the gains of the land reform itself. These practices re-introduced similar problems of tenure

insecurity and landlordism among the ordinary peasants under different names (Alemneh, 1987). The government-backed APCs became the new sources of tenure insecurity among ordinary peasants who were not included in those cooperatives since in most cases “the best land available was allotted to them [APC], evicting ordinary peasants, who might then be given greater inferior land in exchange” (Clapham, 1988, p.172). This was in stark contrast to the spirit of the land reform, whose one aim was to ensure tenure security for ordinary peasants.

Likewise, the *Derg* established the ‘Agricultural Marketing Corporation’ (AMC), in 1976 to set prices, buy grains from rural areas and supply agricultural input to the farmers (Alemneh, 1987; Clapham, 1988). The AMC was also charged with the responsibility of assigning quotas as to how much grain each village should sell to their nearby cooperative. As such, ordinary peasants were obligated to sell a certain portion of their production to their surrounding cooperative, as per the quota imposed on them, at fixed lower prices determined by the AMC (Cohen and Isakson 1987; Eshetu, 1990). Hence, the AMC quota system became another indirect way of over-taxation of the small-scale farmer. This is substantiated by Clapham who argued that, “The compulsory purchase of crops at substantially less than open market prices is another major form of surplus expropriation” (Clapham, 1988, p.161). This again was in sharp contrast to the objectives of the land reform about empowering peasants to freely enjoy the fruits of their labour.

In conclusion, despite the radical changes and early success that the *Derg* brought in rural areas, the pre-occupation of the regime with political control, the politicization of rural institutions such as the PAs, the APC and AMC greatly undermined those

early achievements of the great land reform. Instead of freeing the peasant to make independent and free choices about their lands and productions, the *Derg* simply shifted the gears of peasant domination from landlords to the new socialist state structures and institutions.

4.4. The EPRDF (1991-present)

After taking over power in 1991, the EPRDF introduced reforms in the political structure of Ethiopia that have been called both pioneering and radical (Turton, 2006). It has been called pioneering, “because Ethiopia has gone further than any other African state, and further than ‘almost any state worldwide’ (Clapham, 2002: 27) in using ethnicity as its fundamental organizing principle” (Turton, 2006, p.1). Likewise, it has also been called radical, “because it has introduced the principle of self-determination [including secession] for federated regional units in a formerly highly centralized and unitary state” (Turton, 2006, p.1). Although the EPRDF continued the *Derg*’s land policy of ‘state ownership’, it constitutionally devolved ‘land administration’ to the newly ethnically delineated regional states, linking control over land to ethnic self-determination. The aim of this section is to provide an extended analysis of the current political order since the question of control over land is now constitutionally embedded in the overall political structure. As such, the first section introduces how the EPRDF came to power, which is followed by an analysis of the main features of ethnic federalism vis-à-vis the federal principles identified in Chapter three. In the third section, ethnic self-determination – a foundation for the

current political order – is discussed and in the final section land policy under this regime in general is analysed.

4.4.1. The EPRDF: Evolution and Consolidation of Power

The birth of the EPRDF is intimately linked with the Tigray People's Liberation Front (TPLF). The TPLF was officially established in 1975 with objective of liberating Tigray from an Amhara-dominated Ethiopia and create an independent republic of Tigray (Aregawi, 2009). However, soon after launching its armed struggle, the TPLF modified its initial objective to cultural and political autonomy for the Tigray region within a united democratic Ethiopia (Young, 1997). By 1989, the TPLF had already assumed total control over the Tigray region (Young, 1997). However, in order to go ahead with their objective of toppling the *Derg* and creating a democratic Ethiopia with a legitimate government, the TPLF had to secure military and political allies from other regions and ethnic groups of Ethiopia. Thus, in 1987, a broader-based movement, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) was created composed of the TPLF and the Amhara National Democratic Movement (ANDM). In pursuit of widening the coalition against the *Derg*, the Oromo People's Democratic Organization (OPDO) was established by the TPLF in 1990 after negotiations with the Oromo Liberation Front (OLF) failed to include the latter in the coalition (Leencho, 1999). In addition to being the creator of the new front, the TPLF dominated the armed forces of the EPRDF by providing two-thirds of the soldiers.

When the EPRDF entered Addis Ababa on 28 May 1991 it met no resistance. The *Derg* regime had already lost crucial external support when the Soviet Union was dissolved, and Mengistu Haile Mariam had already fled to Zimbabwe. Talks under the auspices of the United States and the United Kingdom had taken place earlier in London in which they endorsed a new Ethiopian government led by the TPLF/EPRDF and an independent Eritrea led by the Eritrean People's Liberation Front (EPLF) (Aalen, 2002).

After securing recognition from the world's superpower, the main challenge for the TPLF/EPRDF was how to reform the state in order to establish political legitimacy among the wide range of Ethiopian peoples. Given the quest for self-government among many Ethiopian ethnic groups, addressing the issue of ethnicity in governance became an inevitable reality for the TPLF/EPRDF elite (Andreas, 2003; Tronvoll, 2000). This was grounded in two major factors: first of all, the main opposition movements that together under the umbrella of EPRDF overthrew the *Derg* were all organized along ethnic lines. The other main reason was the Ethiopian history itself. As described earlier, Ethiopian political history has been characterized by severe domination of other ethnic groups by a strong northern Amharized state (Andreas, 2003; Tronvoll, 2000). In that regard, the TPLF, in order to disconnect itself from the historical northern domination, advocated for giving every ethnic group in Ethiopia the right to autonomy including secession if so wanted (Tronvoll, 2000). Therefore, the introduction of ethnic federalism was a collective result of different factors converging together, some rooted in the Ethiopian political history itself others arising from the political reality and necessity of that particular time.

4.4.2. Ethnic Federalism and its Federal Features

The new constitution of 1994 unequivocally declared Ethiopia to be a federal state (Article 1) and recognized nine territorial entities constructed mainly along ethnic lines as the new federal sub-units or regional states (Article 47), as shown in the following figure.

Figure 4: Regional States of the Federal Democratic Republic of Ethiopia



Source: Ministry of Foreign Affairs of Ethiopia (2013)

In accordance with the federal principle of dispersed sovereignty and division of powers between the centre and its sub-units, the constitution empowered regional states to form their own state governments (legislative, judiciary, and executive branches), promulgate their own constitutions and establish their own state administrations based on their respective regional states' constitutions. Articles 51 and 52 of the constitution list the powers and functions allocated to the federal

government and to the regional states respectively. Among others, the regional states are empowered to administer land and other natural resources (Article 52:2d). Concerning tax collection and revenues, both the federal and regional governments share the right to levy taxes and collect duties on revenue sources (Articles 96, 97).

With regard to representation of regional states at the federal level, the Ethiopian federal system ensures this through two chambers known as the House of the Peoples' Representatives (HPR) and the House of the Federation (HOF). In the Ethiopian federal system, the highest authority in the federal state is the HPR (Article 55). It is equivalent to the lower house in parliamentary systems, usually serving the interests of the people as a whole. The members of the HPR are elected by a majority vote cast in general elections every five years. Twenty seats out of the maximum 550 seats of the HPR are reserved for minority groups (Article 54). However, elections to these minority seats or decisions on who constitute a minority are not specified in the constitution. As elaborated in Article 55, the most important functions of the HPR are to enact laws on matters allocated to the federal level and ratify national policy standards. Moreover, when it comes to forming a government, a political party or a coalition of political parties that has the greatest number of seats in the HPR shall form the government and elect the Prime Minister (Article 56).

The Ethiopian upper house – i.e. the HOF – is organized and given a different function from the conventional functions of upper houses or second chambers in many federal systems. As discussed earlier in Chapter three, in classical federal systems like Switzerland and the United States, the second chamber serves as the representative institution of the federal sub-units (Aalen, 2002). In other words,

members of this house are direct representatives of their respective regions. However, in the Ethiopian case, members of the HOF are not representatives of the above-mentioned nine federal sub-units but are representatives of the 'Nations, Nationalities and Peoples of Ethiopia' (Article 61:1). Likewise, while in other federal systems regional states are equally represented in the second chamber regardless of their population size; in the Ethiopian case representation in the HOF is proportional to the population size of each ethnic group (Article 61:2).

When it comes to the functions of the second chambers, in the United States federal model, for instance, the second chamber of the legislature plays the important role of checking the power of the other federal institutions (Aalen, 2002). In parliamentary systems like those of Canada or Australia, the second chamber has the power to ensure the participation of regional states in the decision-making or legal actions of the national government (Sharman, 1987). The Ethiopian HOF plays neither of these roles. Instead, it is given a legal role of investigating constitutional disputes and interpretation of the constitution, which is mainly done by supreme courts or specialized constitutional courts in other federal systems (Assefa, 2006). This implies that the federal sub-units in Ethiopia do not have any role in policy making or debating laws at the federal level, which starkly contradicts the practice of other federal bicameral parliamentary systems. Hence, it can be argued that the Ethiopian legislature is in fact a unicameral rather than bicameral since the second chamber by law does not play any policy or law-making role.

In the executive branch, the Ethiopian federal state is headed by a constitutional President and the federal government by an executive Prime Minister. In the

Ethiopian system, the president has no real power but, like other constitutional monarchs and presidents, should formally sign all new laws coming from the HPR (Article 71). The Prime Minister has quite extensive powers akin to those of presidents in presidential systems. He is the Chief Executive, the Chairman of the Council of Ministers and the Commander-in-chief of the national armed forces (Article 74:1).

This being said, in addition to the above-mentioned major federal organs, the other federal features of the Ethiopian ethnic federalism model are also to be found in the principles and legal framework it has adopted. One of its salient principles is the right to self-determination it has accorded to 'Nations, Nationalities and Peoples of Ethiopia'. Given the importance of this principle for understanding the new political order in Ethiopia under which land policies in particular and LSLA in general are embedded, I provide an extended discussion on it as follows.

4.4.3. Self-determination under Ethiopian Ethnic Federalism

The notion of self-determination that has dominated the post-1991 Ethiopian political landscape did not emerge as a surprise in the 1994 constitution. In their struggle against the military regime, the then strongest rebel groups, the TPLF and EPLF, were both organized on the basis of ethnic/regional identity and mobilized their constituencies on the card of right to self-determination including secession (Young, 1997). By the time the military regime was ousted, all the major political movements (TPLF, EPLF, OLF) that had contributed to the defeat of the *Derg* regime were

ethnic-based political organizations, each claiming to have fought for the right to self-determination of their constituent ethnic group. As Andreas stated:

During the Peace and Democracy Conference held at Addis Ababa in July 1991, the vast majority of participants were nationalist organizations, with political programmes upholding the right to self-determination (Andreas, 2003, p.16).

As a result, the National Charter and the transitional constitution produced by the conference uphold the principle of self-determination and secession as indispensable entitlements for the 'Nations, Nationalities and Peoples' of Ethiopia. Hence, when the 1991 Peace and Democracy Conference established and mandated a constitutional commission, it was already predictable that the principle of right to self-determination would seize a central position within the new political landscape in Ethiopia.

Accordingly, the principle of right to self-determination including secession became one of the pillars of the new constitution that was ratified by the constituent assembly on 8 December 1994 and entered into force on 21 August 1995. In order to understand the extent to which the 1994 Ethiopian constitution upholds the principle of right to self-determination, it is important to look not only at the constitutional provisions that explicitly talk about self-determination, but also at provisions that are implicitly directed towards enjoyment of the right to self-determination. For the purpose of this thesis, I discuss those constitutional provisions under political self-determination, economic self-determination, and socio-cultural self-determination.

A. Political Self-Determination

One way in which peoples' right to political self-determination is observed in multinational states is through dispersion of a state sovereignty among different centres so that each level of government exercises sovereignty over certain policy areas (Kymlicka, 2001). From its start, the Ethiopian constitution unequivocally states that Ethiopia is an aggregate state of 'Nations, Nationalities and Peoples'. Unlike the constitutions of unitary states or even of some federal states in which the state's sovereignty is vested in the people as a whole or in the constituent units, the Ethiopian sovereignty is vested in the Nations, Nationalities and Peoples of Ethiopia. Article 8 states that:

1. All sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia
2. This constitution is an expression of their sovereignty
3. Their sovereignty shall be expressed through their representatives elected in accordance with this constitution and through direct democratic participation (FDRE-Constitution, 1995, Article 8:1, 2 and 3).

This article confirms the constitutional commitment to the ultimate sovereignty of the 'Nations, Nationalities, and Peoples of Ethiopia'. It portrays the new Ethiopian state as a union formed through the free consent of the 'Nation, Nationalities and Peoples of Ethiopia'. Thus, if any level of the government ceases to serve their interests or abuses their rights, the 'Nations, Nationalities, and Peoples' are entitled to reassert their sovereign powers by changing or dismantling that government (Yonathan, 2008).

This leads us towards what the constitution has explicitly declared as the right to self-determination, including secession. Under the Ethiopian constitution Article 39:1, “Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession.” In principle, the constitutional procedures for the exercise of this right are not complicated. First, the demand for secession has to be approved by a two-thirds majority of the legislative council of the ‘Nation, Nationality or People’ concerned (Article 39:4a); Second, the federal government is then obliged to hold a referendum in that region within three years (Article 39:4b). If the ‘Yes’ vote receives a simple majority in the referendum, then the ethnic group in question could secede from the federation following the transfer of powers and division of assets between the federal government and the concerned ethnic group (Article 39:4c,d and e). Therefore, it would not be an overstatement to say that, under the 1994 Ethiopian constitution, all Ethiopian ethnic groups are entitled to a unilateral right to secession. As such, in theory, as Andreas argues, “The foundation of the Ethiopian state as well as its continuance now requires the consent of each Ethiopian Nation, Nationality and People” (Andreas, 2003, p.17).

B. Economic Self-Determination

Economic self-determination is defined here as “the ability of the peoples to take control over their mineral resources and use those resources for their own ends” (Farmer, 2005, p.419). The question of control over natural resources and related wealth lurks behind most of the struggles or demands for political self-determination. In fact, management and distribution of natural wealth is one of the major causes of violent conflicts around the world (Bannon and Collier, 2003; Alao, 2007). Particularly

for indigenous peoples, as discussed in the previous chapter, the question of control over the natural resources on their traditional territories is inextricably intertwined with their demands for political self-determination (Stavenhagen, 2005). Hence, economic self-determination goes hand-in-hand with political self-determination.

Under the federal power-sharing arrangement enshrined in the Ethiopian constitution, both the federal and state governments “shall jointly levy and collect taxes on incomes derived from large-scale mining and all petroleum and gas operations, and royalties on such operations” (Article, 98:3). This means that the control over natural resources in Ethiopia falls under what is known under federal constitutions as the ‘concurrent powers’ – i.e. powers shared by the federal and state governments. In case of emergence of other revenue sources that are not mentioned in the constitution (undesignated powers of taxation), it is stated that, “The House of Federation and the House of Peoples’ Representatives shall, in a joint session, determine by a two-thirds majority vote on the exercise of powers of taxation which have not been specifically provided for in the constitution” (Article 99). This article could contradict the provision in Article 51:2, according to which “All powers not given expressly to the Federal Government alone or concurrently to the Federal and the states are reserved to the states.”

All in all, despite the limitations and ambiguities inherent in the constitution and related legislations, it could be argued that, in general, the Ethiopian ethnic federalism legal framework to a certain extent recognizes economic self-determination for the ‘Nations, Nationalities and Peoples’ of Ethiopia.

C. Socio-cultural Self-Determination

Socio-cultural self-determination is defined here as, among other meanings, the ability of a people to preserve its way of life, ensure the continuation of its language and freely participate in cultural life with others (Fribourg Declaration, 2007). It is argued that, in many cases, minorities and indigenous peoples demand political self-determination in order to enjoy their socio-cultural rights. Particularly in multinational states where majorities do not only control the politics and the economy but also tend to impose their culture over the rest, demands for political and economic self-determinations by minorities also go hand-in-hand with demands for socio-cultural self-determination (Thornberry, 2002).

One of the major components of socio-cultural self-determination is the right to use and maintain one's own language. In fact, language is perhaps the most distinctive feature along which groups justify their suitability to be categorized as 'people' or a distinct 'nation' that is entitled to the right to self-determination. As Hannum argued:

Self-determination, as the concept developed in the nineteenth and early twentieth century in Europe, was based primarily on linguistic groups, rather than on religion, politics, or economics (Hannum, 1990, p.458).

Language, in addition to its function as the glue that holds and sustains a community together, also plays a symbolic role as an identity marker vis-à-vis other communities or the state at large. Recognition of a language as official or in other form ultimately means recognition of those who speak that language. Denial of this status, on the other hand, could directly be translated as exclusion of its speakers (Joseph, 2006).

In stark contrast to its predecessors, the 1994 Ethiopian constitution adopted the principle of linguistic pluralism. In general terms, the constitution states, “All Ethiopian languages shall enjoy equal state recognition” (Article 5:1). Similarly, Article 39:2 reads, “Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.” These provisions alone would not have been a significant departure from the 1987 Constitution under the *Derg* regime, which also granted all Ethiopian languages equal state recognition (Assefa, 2006). However, the current federal constitution went beyond mere recognition of all Ethiopian languages to authorizing members of the federation (regional states) to determine by law their respective official languages. Accordingly, while Amharic is retained as the working language of the federal government (Article 5:2), regional states are entitled to determine their respective working languages by their own laws (Article 5:3). As a result, six out of the nine regional states in Ethiopia today use their regional languages as official languages within the jurisdiction of their regional states.¹⁸ It can therefore be argued here again that the Ethiopian federal legal framework recognizes socio-cultural rights of the ‘Nations, Nationalities and Peoples of Ethiopia’.

4.4.4. Land Policy under the EPRDF

Land policy under the current system is not that different from that of its predecessor.

Upon assuming full control of the country in May 1991, the EPRDF announced the

¹⁸ These six regional states are the Afar Regional State, Amhara Regional State, Harari Regional State, Oromia Regional State, Somali Regional State and Tigray Regional State.

continuation of the land policy of the *Derg* (EPRDF, 1991). Although it radically changed the overall state structure – from military socialist to federal democratic (at least in theory) – in November 1991 and later on in the new constitution of 1994, the EPRDF entrenched the state ownership of land in Ethiopia. Article 40:3 states:

The right to ownership of rural land and urban land, as well as of all natural resources, is exclusively vested in the state and the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.

This article further specifies the right for Ethiopian peasants and pastoralists to be protected against eviction from their lands and the right to obtain land for grazing and cultivation without payment (Article 40:4, 5).

Since Article 52:2d of the constitution empowers regional states to administer land and other natural resources, some regional states have promulgated their regional land laws under the general framework of ‘state land ownership’ outlined in the federal constitution and Federal Rural Land Proclamation No. 89/1997.¹⁹ As such, all regional land laws validate state land ownership and give farmers only usufruct rights to plots of land without transfer rights such as sale or mortgage. Regional states’ land laws only differ on what portion of land farmers are allowed to lease out, the lease period and questions about land redistribution.

This policy of ‘state land ownership’ has been and continues to be a source of intense debate among policy makers, practitioners and scholars from diverse

¹⁹ The regions that had their own regional land laws by the time I was conducting this research are: the Amhara Regional State, the Oromia Regional State, the SNNPRS and the Tigray Regional State.

disciplines (Dessalegn, 1994; Dessalegn and Taye, 2006; Ethiopian Economic Association (EEA), 2002). The debate can be summarized mainly around the question of whether state land ownership guarantees tenure security for the peasants and better land productivity or whether the policy creates uncertainty among the land users and therefore less land investment and productivity (Hussein, 2001).

A. The Government Position: State Ownership

The government argues that its general principle of 'state land ownership' is meant to protect the rural peasantry from the adverse effects of market forces and to ensure access to land for all the rural communities. Land privatization, according to this perspective, would result in the concentration and accumulation of arable land in the hands of a small number of landowners (Hussein, 2001; Yigremew, 2001). This could then lead to massive immigration of the landless peasantry to urban areas, creation of exploitative tenancy structures, and increases of rural poverty and food insecurity (Hussein, 2001; Yigremew, 2001). Given the historical experience of landlordism under the imperial regime where rural land was concentrated in the hands of a few absentee landlords, Mersha (1998) argued that privatization – would bring back that kind of system under a different name:

The proposed agenda of privatization of land will indeed open the floodgate for a massive eviction of peasants and the displacement of pastoralists.... Moreover, the pre-reform period land lords, who battered on the meager 'surplus' produced by the peasants, mostly tenants,

will now be replaced by 'capitalist' farmers who will alienate small peasants from their land (Mersha, 1998 cited in Hussein, 2001, p.49).

Hence, the government maintains that, by keeping the land under the ownership of the state, the state could serve as the protector of the rural peasants from market forces and deter rural landlessness and absolute poverty (Hussein, 2001; Yigremew, 2001).

B. The Critics' Position: Privatization

The critics of 'state land ownership policy' argue that the government's claim of protecting rural peasants from market forces and keeping in check a worst-case scenario of massive rural landlessness are both built on a false hypothesis (EEA, 2002). This hypothesis assumes that once the land is privatized then the rural farmers would automatically sell off their farms to wealthy private investors, thereby resulting in the accumulation of land in the hands of a few and the dispossession of the rural masses. According to the critics, so far the empirical evidence does not support this hypothesis that the majority of rural farmers would sell off their farms if they have the opportunity to do so (Berhanu, 2004; Deiniger *et al.*, 2003; Samuel, 2006). Experience from land renting has shown that, despite its legalization, so far only very few rural farmers have rented out their lands except under special circumstances such as loss of oxen or labour (Dessalegn and Taye, 2006). Hence, according to the critics, protection of rural farmers from market forces and prevention of massive rural landlessness are both inaccurate assumptions built on an empirically unsubstantiated hypothesis.

On the contrary, the critics argue that 'state land ownership policy' has created tenure insecurity and discouraged landholders from making long-term investment in the land. They maintain that the state land ownership policy has limited the opportunities for a dynamic rural land market that would have allowed entrepreneurs to access land and use it efficiently (EEA, 2002). According to Crewett and Korf, state land ownership:

1. Prevents the emergence of a dynamic rural land market that allows entrepreneurial agents to access credit and land,
2. It discourages farmers on marginal land to out-migrate and ties the farmer to inefficient uses of his land, which subsequently leads to fragmentation of plot size, overpopulation in the rural areas and resource degradation and,
3. It perpetuates the legacies of the *derg* regime's redistribution programmes that are creating tenure insecurity and discouraging landowners from investing in sustainable resource use (Crewett and Korf, 2008, p.206).

These arguments are underpinned by neo-classical economic theories of property rights which suggest that land privatization increases the incentives for long-term investments in the land, increases land productivity and encourages access to land for commercial farmers. Consequently, this would allow out-migration of labour – i.e. ineffective small-scale farmers – to other economic sectors in urban centres (Demsetz, 1967; Posner, 1973).

C. Third Option: Community Ownership

Dessaleng (1994) on his part takes the argument beyond the simple 'state ownership' vs. 'privatization' dichotomy, which he thinks are both unhelpful in the Ethiopian context where the concept of 'Community' is more important than both the bigger state and the smaller individual. Hence, he proposed what he called 'community' or 'associative' land ownership that places land matters in the hands of the concerned community (Dessaegn, 1994, 1999, 2004, 2011). 'State ownership', according to him, creates insecurity among landholders and dependency on the state, which in turn disempowers both the individual and the communities. He argues that state ownership also enhances the hegemonic authority of the state over the communities. Land privatization, on the other hand, Dessaegn (1994) argues, is an alien concept since in Ethiopia we cannot separate individual holders from their communities. The farmland each person holds belongs to the larger community in which he/she resides and the individual plot alone would not be sufficient without shared community resources such as the water resources, pasture and grassland, woodland or forestland, and others (Dessaegn, 1994, 1999, 2004, 2011). Except for like-minded academics who are pushing this argument forward and some NGOs who are supporting related projects, the concept has not yet been seriously considered by policy makers. However, this argument resonates well with the traditional land tenure systems of the indigenous communities of Gambella.

4.4.5. Land Registration and Certification Programme

Despite the differences on which land policy provides tenure security to land users, there is a consensus that the current tenure insecurity is made worse by the absence of any official document that recognizes land use rights for rural farmers. In order to fill this gap, the government has started an initiative to register and provide certificates for rural land users. Hence, since 2003, four regional states, namely the Amhara, Oromia, SNNPRS and Tigray, launched a large-scale land registration and certification programme modelled on the experience of the Tigray region, which started a similar programme early in 1998 through its own efforts (Solomon, 2006).

This programme has been hailed by the World Bank and other donor agencies as one of the most successful and cost efficient land registration programmes in Africa (Deiniger *et al.*, 2007). Within a span of only two to three years, the programme registered about 20 million plots under the names of about 5.5 million households in a cost effective manner (Deiniger *et al.*, 2007).

The success and cost efficiency of this programme could be attributed to the highly decentralized manner in which it was executed. The major work of the programme was mainly carried out by a locally elected body for this purpose, known as the 'Land use and Administration Committee' (LAC). The LAC is elected through a popular vote for a limited term of two to three years, depending on each regional state. To ensure women's participation, it is made mandatory that at least one woman be included on the committee (UN-HABITAT, 2008).

In order to increase transparency and the legitimacy of the process, the registration of each plot requires the presence of the plot holder and his/her neighbours on the field. Hence, the programme, rather than being the work of only the LAC, actively involves the concerned public in general and the plot holders in particular. In some regions, the local governments have organized trained support teams to provide advice for the LAC. In Amhara region for example, there was a survey team at *woreda* government level made up of students trained in the relevant procedures to supervise the overall process and provide technical expertise for the LAC (Sida-Amhara Rural Development Programme, 2010). In the SNNPRS, the supervision is much less intense, only carried out by the 'development agent' in each *kebele* (Wondwosen and Ayana, 2006). The Oromia region experience, however, provides full independence to the LAC to carry out their responsibility and only call upon the *woreda* office for advice when deemed necessary (Senbeta and Merga, 2006).

Upon the completion of the registration process and public approval of the overall process and results, households receive preliminary registration certificates identifying their plot. Then, after all the information for the whole *kebele* is entered into the land registry book, households will receive a final land certificate with their photographs and map of their landholdings attached. In Tigray region, certificates are issued only in the name of the head of the household (the man), which raises concerns about the women's rights. But in all other regions certificates are issued in the name of the head and spouse and space is provided on the land certificate to include photographs of the two spouses (Deiniger *et al*, 2007).

Coming back to the principal question of tenure security, there is no definitive answer as to whether the land registration and certification programme has erased land tenure insecurity among the beneficiaries (rural farmers). According to Daniel (2011), while land registration and certification has, to a certain extent at least, assured the peasants of compensation in the event of losing their land for public projects, it has not completely erased the fear of losing land *per se*. There is still widespread fear among the rural peasants that the government could give away their land to large-scale investors anytime or that they will lose a portion of their land through the periodic land redistribution practice that is enshrined in the land laws of some regional states (Daniel, 2011).²⁰

4.5. Conclusion

As I have tried to show in this chapter, control over rural land has been one of the defining features for the state-communities relationship under successive regimes in Ethiopia. During the imperial regime, rural land was used not only as a productive economic resource to maintain the empire but also a political tool through which the landlords and state officials maintained the loyalty of peasants who constitute over 85% of the population. As such, the imperial land policy was characterized by extreme inequality between the tenants (southern and western farmers) and northern landlords.

²⁰ The regional states that have enshrined land redistribution in their regional land laws are the Amhara Regional State, SNNPRS and Tigray Regional State.

The *Derg* regime came to power with a promise to avert this historical injustice against the peasant, and accordingly introduced radical land reforms in 1975 that abolished landlordism and gave the land to the tiller (or in Amharic, '*Meret le Arashu*'). Nonetheless, despite removing some of the forces of domination over the peasants, the *Derg* land policies enhanced the power of the state over the peasant by politicising rural institutions and using them as means for controlling the peasants. As such, the *Derg* only transferred peasant domination from landlords to the state.

Although the EPRDF more or less continued with the main principles of the *Derg*'s land policies, it finally wedded control over land to the question of ethnic self-determination. As such, land administration was constitutionally given to ethnically delineated regional states. The question is, does this represent a departure from the historical trend of state hegemony and peasant subordination or is it a continuation of a similar trend in a different form? By drawing upon the contemporary trend of LSLA in Gambella regional state, the following chapters will attempt to provide (both direct and indirect) answers to this question.

Chapter Five: Gambella Regional State in Ethiopia: Territory, Peoples and Identity Politics

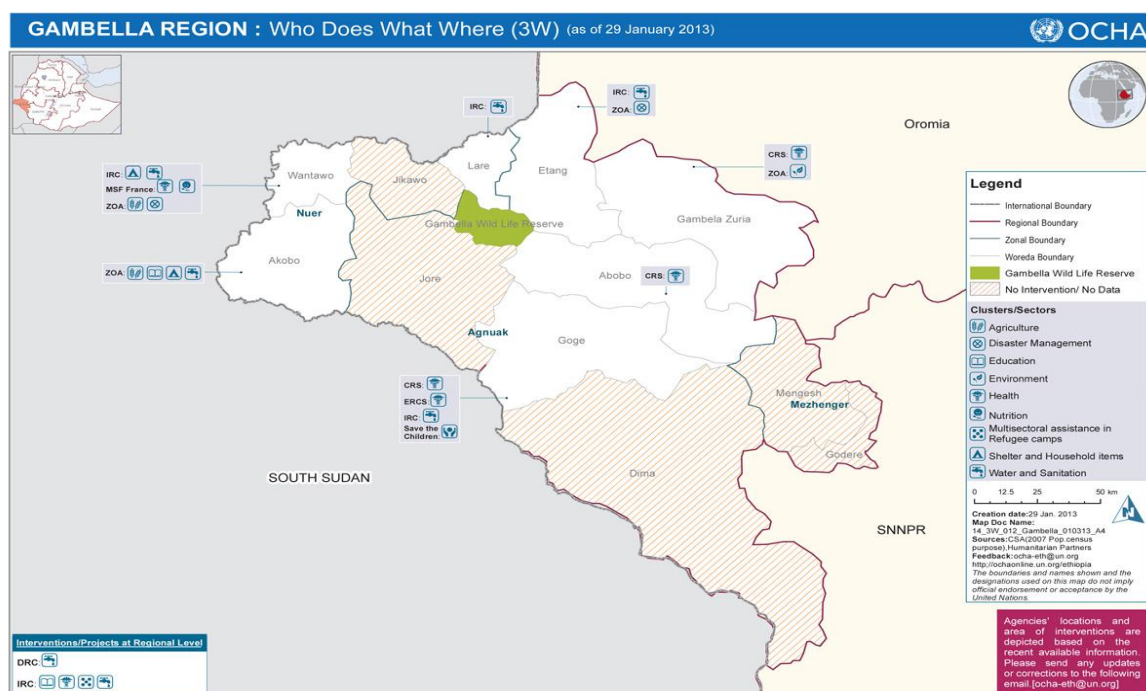
5.1. Introduction

The purpose of this chapter is to introduce the Gambella region and provide a context for a better understanding of the subsequent chapters about the implementation of right to self-determination and the contemporary phenomenon of LSLA in the region. As such, the first section introduces the region and its peoples, followed by a historical account of how the Gambella region was incorporated into imperial Ethiopia. The historical account of how Gambella became part of Ethiopia is included here because it can help to explain some of the contemporary impediments between the Gambella region and the Ethiopian state. In the third section, I will discuss the circumstances that led to the recognition of the former Gambella province as one of the nine regional states in the post-1991 Ethiopia. Finally, since the Gambella region has been known for its conflicts, I will discuss the major conflicts in the region. In spite of the region being referred to by the central government as an “empty region with abundant unutilized lands” (Shiferaw, 2011, p.100), this last section demonstrates that, on the contrary, resource-induced conflicts have been one of the defining characteristics between the two major indigenous ethnic groups of Gambella – namely the Anywa and the Nuer – for the last five to six decades (Dereje, 2003).

5.2. The Region and its Peoples

The Gambella regional state is one of the nine member states of the Federal Democratic Republic of Ethiopia (FDRE). It is located in the south-western Ethiopian lowlands bordering the Oromia regional state from the north and east, SNNPRS from the south-east and the Republic of South Sudan from the west (Figure 5). Administratively the region is divided into three zones along the three major ethnic groups, (1) Anywa zone, (2) Nuer zone, and (3) Majang zone. These three zones are further divided into 12 *woredas*; five under Anywa zone, two under Majang zone, four under Nuer zone and one special *woreda* that is directly accountable to the regional state council. According to the latest census, the Gambella region has a population of 306,916 people, which makes it the smallest region after Harar in terms of population size (CSA, 2007).

Figure 5: Map of the Gambella Region



Source: UN Office for Coordination of Humanitarian Affairs (OCHA) (2013)

The region is home to five indigenous ethnic groups, namely the Anywa, the Nuer, the Majang, the Opo, and the Kumo. Each ethnic group will be discussed in detail below. Even though these groups are all of Nilo-Saharan linguistic origin, they do not form a homogenous ethnic identity. Ethnic boundaries among these groups are mainly constructed along linguistic lines, distinct cultural and political traditions, and different subsistence economic systems. For instance, while the Anywa are predominantly cultivators, the Nuers are pastoralists and the Majang typically combine shifting cultivation with hunting (Evans-Pritchard, 1940 a and b; Stauder, 1971).

In addition to the indigenous groups, since the 1980s Gambella has also witnessed a huge influx of diverse ethnic groups from the central/highland parts of the country. This wave of migration has introduced a new category of people in Gambella known as 'highlanders'. The category 'highlanders' is generally used to collectively refer to other Ethiopians in the region who do not belong to the five indigenous groups of the region. The identity boundary between the five 'indigenous ethnic groups' versus the 'highlanders' is constructed along: linguistic origins, the highlanders being mainly from 'Semitic and Cushitic' linguistic origin while the indigenous groups are from the 'Nilo-Saharan' linguistic origin; racially, the 'brown' highlanders being contrasted with the 'black' indigenous peoples and; culturally, highlanders share a common traditional dish known as *injera*,²¹ while the indigenous peoples of Gambella mainly eat *kwon/kwan*²² as their traditional dish. Most significantly, since the incorporation of the Gambella region into the contemporary Ethiopian state at the beginning of the

²¹ *Injera*: It is a yeast-risen flatbread made from *teff* cereal, soft, spongy texture, with tiny holes and slightly sour taste.

²² *Kwon/Kwan*: Is an Anywa and Nuer words respectively for a dish made out of maize and sorghum flour cooked with water. It is similar to what is called *Ogalli* in other Eastern African countries.

20th century, the imperial Ethiopian state had been introduced through, identified with and represented by, the 'brown skin highlanders' in the region. Therefore, from the locals' vantage point, the 'brown highlanders' and the central Ethiopian state are only two sides of the same coin (Dereje, 2011).

Socio-economically, until recently the Gambella region and its peoples have been among the most marginalized communities in Ethiopia in terms of government services. Despite some progress being made, particularly in the area of social services and basic development infrastructures, the socio-economic gap between the local communities and the highlanders remains staggering. The business sector and, in fact, the general economy of the region is totally controlled by the highlanders, leaving the indigenous populations heavily dependent on a diminishing number of government jobs. This marginalization has its roots in the integration of the region into the Ethiopian state, which will be discussed in detail below, after introducing the five indigenous groups.

5.2.1. Anywa

Anywa is spelled in different ways in the literature, sometimes as Anuak, Anyuak, or Agnwak (Evans-Pritchard, 1940b; Perner, 1994). The people call themselves 'Anywa' and their language 'dha-Anywa' meaning Anywa-language. As part of the

cultural revival under ethnic federalism²³, Anywa was reinforced as the official name of the people. Hence, throughout this thesis Anywa is used.

The settlement pattern of the Anywa people is mainly concentrated along the main four rivers in the Gambella region, namely the Baro, Alwero, Gilo, and Akobo. On the Sudanese side, the Anywa are also settled along the Oboth River (Kurimoto, 1992). The Anywa share boundaries with all the indigenous ethnic groups of Gambella, including the highlanders. The mountains to the east and north of the Gambella region have been recognized as boundary markers between the Anywa and highland Ethiopia in general and the Oromo people in particular (Kurimoto, 1992). To the western side of the Gambella region, the Anywa share a boundary with the Nuer ethnic group. However, to the southern part of the region, the Anywa-land extends to South Sudan where South Sudanese Anywas share boundary with the Murle ethnic group. Between the Anywa-land and highland Ethiopia there are smaller ethnic groups such as the Opo and Kumo in the northwest and northeast and the Majang in eastern parts (Kurimoto, 1992).

Under the current administrative structure of the Gambella regional state, the Anywa zone comprises five *woredas*, namely Abobo, Dimma, Gambella, Gog, and Jor. Itang *woreda* and Gambella municipality, which used to be part of the Anywa zone were made multi-ethnic entities after 2003 as a consequence of large influxes of other ethnic groups (highlanders and Nuer) to these areas (Interview – 16GOV, 12 Apr. 2012).²⁴ Despite accounting for only 21% of the population of the region, the Anywa

²³ In the early years of the EPRDF (1991-1996), the dominant political party in Gambella, the Gambella Peoples Liberation Movement, took different measures to reinstate Anywa culture and traditions including Anywa literature.

²⁴ This interviewee is an elected *woreda* official interviewed in Itang town.

zone is by far the largest zone, comprising about 70% of the total land area of the Gambella region (Dereje, 2006).

Although the Anywa subsistence economy largely depends on agriculture, the practices differ considerably according to the ecological variations of different Anywa settlements. As is thoroughly discussed by Kurimoto (1996), the Anywa classify their ecological zones into three main categories. These are, according to Kurimoto (1996), what they call '*Bap*' (grassland that is flooded every rainy season); '*Wok*' (woodland); and '*Lul*' (forest). Those who live in '*Bap*' areas tend to practise pastoralism and fishing in addition to cultivation. Since most of the land is flooded during rainy seasons, *Bap* is not a very convenient place for cultivation. Cultivation is only practised in the slightly elevated hinterland where villages are also constructed. The subsistence economy of those Anywa people who live in *Bap* areas is similar to that of the Nuer, with whom they share boundaries and similar ecological conditions. The Anywa of '*Wok*' (woodland) mainly practise shifting cultivation. During the dry season, cultivation is carried out on the riverbanks and in rainy seasons when riverbanks are flooded the people shift to the hinterland. Although fishing and pastoralism are also practised, agriculture remains the most important means of subsistence in those areas. The biggest Anywa population lives in woodland areas. In the third category of *Lul* (forest), the practices of fishing and raising domestic animals are virtually non-existent. Due to the fertility of the soil and the lack of weeds, enough food can be produced for the whole year in one cultivation. In addition to cultivation, beekeeping and hunting are very common practices among the Anywa of '*Lul*'. It is argued that the south-eastern Anywa adopted the forest

livelihood style from their neighbours, the Majang people, who are forest people (Kurimoto, 1996).

Politically, the Anywa traditional political system is a centralized system consisting of village states headed by either a *Nyeya* (king) or *Kwaaro* (headman). The king or headman takes care of all the affairs of village life through different structures from food production to conflict resolution and ensures security for villagers either through peaceful relations or wars with neighbouring villages and ethnic groups (Evans-Pritchard, 1940b). Some of these institutions, particularly in villages close to Gambella regional capital, were dismantled during the *Derg* regime and most of them could not be revived after the fall of the *Derg*. However, traditional leaders still play a large role in rural areas in terms of cultural and social issues. In fact, although the traditional political system has evolved over the years, the traditional kings and chiefs remain the legitimate leaders among the Anywa of South Sudan (Gurton Trust, www.gurtong.net, 2013).

5.2.2. Nuer

The Nuer is the second largest ethnic group in the Republic of South Sudan after the Dinka. The historical settlement of the Nuer in the Gambella region is a contested issue. Many anthropologists and historians believe the contemporary Nuer areas both in eastern South Sudan and in Ethiopia used to be Anywa territories (Bahru, 1976; Collins, 1971; Kurimoto, 1992). In fact, Nuer eastward expansion – from Sudan to the current Gambella region of Ethiopia – is a well-researched topic

(Dereje and Hoehne, 2010). According to Kelly (1985), by the end of the 19th century, the Nuer had already expanded their territory fourfold. Hence, the 20th century began by major Nuer encroachment into the Anywa land. This encroachment had taken place both peacefully in some places – through exchange of cattle with Anywa chiefs – and violently in other places – through wars and uprooting of some Anywa villages (Dereje, 2003).

At the moment, according to the latest national census results, the Nuer is the largest ethnic group in the Gambella region consisting of 46% of the total population of the region (CSA, 2007). Geographically, the Nuer zone is located in the western part of the Gambella, sharing a boundary with the Republic of South Sudan on the northern, western and southern side and Anywa zone on the eastern side. The majority of the Ethiopian Nuers are from the Gajaak clan, which is divided into other five sub-clans known as: the Thiang, the Cieng Cany, the Cieng Wau, Cieng Nyajani, and the Cieng Reng (Dereje, 2005).

The Nuer economy largely relies on cattle. Traditionally, cattle have been of the highest economic, religious and symbolic value among the Nuer ethnic group. Although limited agriculture, fishing and collection of wild foods are practised by the Nuer, cattle remain the most cherished possession as an essential source of food as well as a key social asset. The Nuer culture, traditional institutions, social behaviour and customs are intimately linked with cattle. Particularly in marriage, cattle play an important role as bride wealth given by the parents of the husband to the parents of the wife. It is because of this exchange of cattle that the children automatically became part of the husband's family and his line of ancestry (Evans-Pritchard and

James, 1990). In religious rituals cattle also play an important role as a sacrifice to God. In the Nuer religion, a cow should not be slaughtered for any other purposes except as a sacrifice to God. When there are important guests or a marriage ceremony, an ox can be slaughtered to feed the guests (Evans-Pritchard, 1956).

Over the last five decades because of recurring famines, displacement and most notably the Sudanese civil war, most Nuer have been forced to diversify their livelihood by mixing cattle herding with stable farming and fishing in permanent villages on the Ethiopia side. As such, permanent access to and control over vital natural resources such as land and water has gained more significance among them (Dereje, 2005). For the Nuer, land is communally owned. Individuals can have limited lands for farming that they can exchange for cattle if they move to a different location, but in most cases this exchange takes place only within the same clan. The grazing land in most cases is communally used not just by one clan but by different clans. This is one of the sources of clan conflicts among the Nuer people. The elevated lands where villages are constructed are assigned to specific clans and considered as property of that particular clan (Evans-Pritchard, 1940a).

The Nuer political organization and structure could be categorised as a confederation of independent and autonomous sections and clans. Each clan has its own elected leader. Below the clan structure, the sub-clans also have chiefs and sub-chiefs elected on various justifications. In some instances, spiritual leaders play leadership roles in Nuer society. They are believed to foresee events and to have power over individuals' and the community's fate either for good or bad. Spiritual

leaders might also be consulted at times of inter-clan or inter-ethnic wars (Evans-Pritchard, 1940a; Sommer, 2005).

5.2.3. Majang

The Majang people are the third largest indigenous ethnic group in the Gambella region. Their language is classified under the Nilo-Saharan Surmic African language cluster. As such, it differs considerably from either the Anywa or the Nuer languages (Stauder, 1971). According to the latest census results, the total Majang population is estimated at 15,341 (CSA, 2007). They live in scattered settlements in the hills and forests between the lowland Gambella region and highland Ethiopia. According to the administrative structure of the Gambella region, the Majang zone comprises two *woredas*, namely the Godere and Mengeshi.

The Majang economy heavily relies on hunting and gathering forest products. Although farming has recently also been an important source of livelihood for some Majang, still for most agriculture plays only a supplementary role in their livelihoods (Kurimoto, 1996). According to my interview with one Majang intellectual (Interview – 18IND, 15 Apr. 2012),²⁵ in typical Majang settlements, from January to April, they would be out in the forests collecting honey from hives consisting of hollowed logs placed in trees. During the rainy season, which lasts from around May to August, the Majang would be practising agriculture, and from October to December they mainly rely on collecting wild roots and fruits and sometimes eat them together with farm

²⁵ This interviewee has an MSc in Agriculture and works as a researcher for the Gambella Agricultural Research Institute with special focus on the Majang peoples' agriculture and livelihoods.

products (Interview – 18IND, 15 Apr. 2012). Hence, generally speaking, in the majority of Majang settlements, agriculture seems to cover only 1/3 of their annual livelihood needs; the rest being covered by the forest in particular and their natural environment in general.

This being said, due to external pressures and encroachment of other communities into traditional Majang areas, some changes have been rapidly taking place in the Majang livelihood system. Although formerly they used to avoid these pressures by moving deep into the forests when encroached on by other communities, due to a lack of more space to move into, they have started to adapt to these new pressures by changing their livelihoods. For instance, some Majang have started to settle permanently in villages as settled farmers as opposed to their traditional shifting cultivation style. As a result, they have adopted planting trees that take several years to produce fruits/crops, such as coffee trees, mangos, and avocado. More strikingly, herding of domestic animals had been non-existent among the Majang communities but, since recently, some Majangs have started to adapt it from highlanders who are encroaching onto their settlements (Interview – 18IND, 15 Apr. 2012).

The traditional Majang political system is described as egalitarian in nature with no authoritative political positions or leaders (Stauder, 1972). The only people who seem to exercise some sort of authority are the spiritual leaders, who perform rituals, explain mysteries and foretell events. As such, individuals and communities consult spiritual leaders about their fate and they are feared because they are believed to trigger some calamities or cause deaths or sicknesses to individuals (FGD – 9, 14 Apr. 2012). Since traditional Majang villages consist of a very limited number of

households (around three to five households, mainly family members), there is no standard conflict resolution mechanism. When there is a conflict between these family members, either one party to the conflict would simply move away or all would desert their settlement and move to different locations (FGD – 9, 14 Apr. 2012).

5.2.4. Opo and Kumo

The Opo and Kumo indigenous ethnic groups are numerically and politically less significant in the Gambella region. According to the latest national census results, the total population of the Opo and Kumo ethnic groups in the Gambella region are 990 and 224 respectively (CSA, 2007). As such, these ethnic groups do not have their own zones or *woreda*. Their *kebeles* are divided between *woredas* under the Anywa and Nuer zones.

The livelihood of these ethnic groups depends on agriculture. Due to their numerical minority status, these communities have sought security through assimilation into one of their neighbouring majority ethnic groups such as the Nuer, Anywa or the Oromos (Kurimoto, 1992). At the moment, while most Kumos are intermixed with Anywa and Oromo ethnic groups, most Opos are intermixed with their neighbouring Nuer clans. That explains why, in the organization of political parties in Gambella, the Opo are grouped under the Nuer political party and the Kumo are grouped under the Anywa political party. Although the indigenous ethnic groups of the Gambella regional state are marginalized in general, the Opo and the Kumo face double

marginalization both as national and regional minorities (Interview – 2GOV, 15 Mar. 2012).²⁶

5.3. Incorporation of Gambella into the Ethiopian Empire

The contemporary Gambella regional state and its peoples became part of the then Ethiopian empire only in the beginning of the 20th century. According to the 1902 boundary agreement between the British and imperial Ethiopia, Emperor Menelik II of Ethiopia leased a piece of territory in the Gambella town around the Baro River to the British to serve as a national port for Ethio-Sudanese trade (Bahru, 1987). At the time of this agreement, the indigenous Anywa ethnic group had already occupied and established permanent village states around the Gambella region. However, despite their ownership of the territories around the Baro River, the Anywa were not aware of this agreement between Emperor Menelik II and the British (Collins, 1971).

According to Bahru (1987), the 1902 boundary agreement and the establishment of the Gambella port were mainly pre-emptive efforts from the British side to discourage the increasing French commercial and political influence in Ethiopia as result of the establishment of the Ethio-Djibouti railway – Djibouti being a French colony. From the Ethiopian empire's perspective, this was another success for Menelik II, known as the expansionist, to expand his territories far to the west and also to extract resources from the resource-rich lowland regions. According to Bahru (1987), the establishment of the Gambella port proved to be an important success for both the

²⁶ This interviewee is an elected official who had worked as Development Agent (DA) among the Kumo and Opo people.

British and the Ethiopian empire. At the peak of its commercial accomplishment, from 1920s to 1930s, the Gambella port accounted for 70% of the Ethiopian international trade through Sudan, with coffee being the main export from Ethiopia and cloth and salt the main import from the British colonial Sudan (Bahru, 1987).

Despite the success of the Gambella port, the local populations occupying the trade route were conspicuously absent from this lucrative international trade (Dereje, 2006). The main beneficiaries of the Gambella commercial enclave were the Ethiopian imperial representatives stationed in Gambella and the neighbouring highlands; the British colonial agents in Sudan and in Gambella; and the expatriate traders, mainly of Italian and Greek origins (Bahru, 1987; Kurimoto, 1992). In spite of their strategic location along this international trade route, neither the Nuer clan elders on the Sudanese side nor the Anywa village chiefs on the Ethiopian side were integrated into the political economy of the Baro River trade route (Dereje, 2006). As a consequence of their exclusion from this trade and what they saw as a foreign intrusion into their territories, the Anywa village chiefs along the Baro River organized isolated and small-scale resistances towards both the British colonial officials and the Ethiopian imperial establishment in Gambella (Bahru, 1987). However, those small-scale resistances turned out to be counterproductive as imperial Ethiopia and the British colonial officials responded with disproportionate military force in what became known as the 'pacification campaigns' (Bahru, 1987). As a matter of fact, Kurimoto argued, the reaction of the indigenous communities to their exclusion from the international trade and the intrusion of foreigners into their territories resulted in a further marginalization and loss of political autonomy (Kurimoto, 1992).

In addition to their expressed motive of securing a trade route and punishing the disloyal chiefs, the so-called ‘pacification campaigns’ also served as a means through which to raid slaves from the indigenous communities (Dereje, 2006). Those who were captured by imperial Ethiopia’s forces were sold as slaves in the highland parts of the country. According to Birhanu (1973), around the same period of those ‘pacification campaigns’, the Gambella region became one of the major providers of slaves in south-western Ethiopia, like other adjacent border regions such as the Benishangul-Gumuz region. Birhanu, writing about the slave trade in western and south-western regions of Ethiopia, provided the following oral account.

After their capture slaves were beaten and roped together, and gags put in their mouths to prevent them from making a loud noise. Their legs were also tied to stones...their faces were painted with butter and a type of grass called soso was put around their necks...to make them look healthy. If their skins were not dark they were warmed beside a fire for a long time to change the pigment of their skins before taking them to the market (Birhanu, 1973, p.14).

Therefore, for the indigenous communities of the Gambella regional state, the arrival of the imperial Ethiopian state meant not only economic and political marginalization, but also the inhuman experience of slavery. It was this experience of slavery that contributed to the stigmatization of the ‘black’ lowland peoples vis-à-vis the ‘brown’ highland mainstream Ethiopian societies. For instance, it is still a very common practice today to refer to the peoples of Gambella as *baria* (Amharic word for slave) on the streets of Addis Ababa, or demean them as *Lemma* – the name of the last imperial representative in the Gambella region (Dereje, 2006).

Although on 27 August 1942 Haile Selassie abolished the legal basis of slavery throughout the empire and imposed severe penalties including death for slave trading (Peter, *et al.*, 2007), he put very little effort into integrating the peoples of the periphery into the mainstream Ethiopian polity. In a symbolic gesture, a few Anywa chiefs and Nuer clan elders were given imperial titles, something that was too little compared to the strategic co-option of local elites that took place in other parts of the country (Dereje, 2006).

From an economic perspective, as the British colonial officials left the Gambella region after the independence of Sudan, other traders of foreign origin also left the region (Collins, 1983). The few Ethiopian highland traders replaced the foreign traders in what became the beginning of the end for the indigenous communities' marginalization in the regional economy. In terms of development, the Haile Selassie regime also made no effort to reach the peripheral regions with development infrastructures such as schools and health services (Kurimoto, 1992).

In the Gambella region from the 1950s missionaries from the Presbyterian Church of America (PCUSA) played a *de facto* role as organs of the state by being the only providers of education and health services to the region's indigenous communities (Partee, 2000). Therefore, by the time the imperial regime was ousted in 1974, the Gambella region and its peoples were weakly incorporated into the Ethiopian state and treated as secondary citizens (Dereje, 2006).

The *Derg* took some measures towards meaningful integration of the peripheral peoples into the mainstream Ethiopian polity. In the first place, ethnic inequality or

northern supremacy was condemned. Despite their limitations, social services were expanded to lowland regions and education, in particular, was promoted through literacy campaigns even in areas where there were no formal schools (Interview – 2IND, 22 Mar. 2012).²⁷ In an attempt to encourage the national sense of belonging among the indigenous communities, in 1978 in the then Gambella district two local people were appointed as vice-administrators of the district. In 1987 when the *Derg* introduced a limited form of decentralization, the participation of the indigenous peoples in the district's politics became even more pronounced as the *Derg* gracefully appointed locals to the top two key political posts, namely the 'district administrator' and 'party secretary'. In fact, not only were Gambellians appointed in various political positions in the then Gambella district, but some were also appointed as district administrators or party secretaries in other districts of highland Ethiopia (Interview – 2IND, 22 Mar. 2012).

Nevertheless, the *Derg's* efforts at the local empowerment and integration of the peripheries into mainstream Ethiopian politics were heavily overshadowed by its absolute control over all aspects of life and unpopular socialist projects/agenda (Donham, 2002). For instance, in its efforts to monopolize all means of control and authority, the *Derg* delegitimized traditional chieftaincies and all other influential traditional institutions that were perceived as competing with or barriers to the modern/progressive socialist agenda. In the Gambella regional state, much in line with other lowland border regions where traditional institutions were maintained, the so-called 'cultural-revolution' of the *Derg* ferociously demolished the local culture, characterising it as a backward foe of the socialist revolution. The Anywa village

²⁷ This interviewee, an Anywa from Gambella, used to work as district administrator in various parts of Ethiopia during the *Derg* regime.

chiefs, for instance, were deposed; their cultural bride-wealth beads, locally known as *Dimuy*, were thrown into the river; and bride-wealth in general was forcibly monetized (Interview – 2IND, 22 Mar. 2012). Hence, for the indigenous peoples, the loss of political autonomy and the economic marginalization experienced during the imperial regime was simply made worse by the *Derg*'s 'cultural revolution' campaign (Dereje, 2006).

Similarly, to the dismay of the indigenous communities, the forced resettlement programme of the 1980s, in which over 60,000 farmers from the northern and southern regions were brought to the Gambella region without proper consultation with or consent of the host, had the effect of further alienating the indigenous communities (Kurimoto, 1993). Particularly among the Anywa people on whose territories the resettlement villages were established, this provoked a widespread anxiety and become one of the sources of the Anywa discourse of a systematic ethnic cleansing by the central Ethiopian government (Kurimoto, 1993).

The outbreak of full-scale civil war in Sudan around the same period (1983) compounded the demographic anxiety among the Anywa people. According to Kurimoto (1993), by the mid-1980s, the number of refugees in the Gambella regional state had reached 300,000, outnumbering the local Anywa population by more than two times. For the Anywa people, it was the *Derg* that brought both the highlanders and the Sudanese refugees to their territories. Apart from the obvious ecological costs of such massive population movement, the huge refugee camps greatly damaged the local economy as the imported UNHCR's grains banished the local

products from the market and, in fact, discouraged local agriculture in general (Kurimoto, 1993).

Nevertheless, refugees and the UNCHR were not the worst that the Sudanese civil war brought to Gambella. With the outbreak of the civil war in Sudan, Gambella was transformed into a strategic location for interstate proxy wars between Ethiopia and Sudan. While the Sudan People's Liberation Army (SPLA), supported by the *Derg*, launched its military operations against Khartoum's government from its bases in the Gambella region, the Sudan government also actively supported various liberation movements against the Addis Ababa government (Johnson, 2003). These wars, and particularly the *Derg* allowing the SPLA to establish its military bases in the Gambella region, caused tremendous political, economic and social tragedies to the indigenous Anywa communities (Kurimoto, 1993). The presence of armed groups in the region encouraged the proliferation of small arms and militarization of society. This in turn transformed the previous small-scale skirmishes between indigenous groups into deadly inter-ethnic conflicts (Dereje, 2003). Moreover, the SPLA was devoid of any kind of military ethics or discipline. As such, its members unrestrainedly committed atrocities against the local population with absolute impunity due to their strong support from Addis Ababa (Kurimoto, 1993). As such, most of the indigenous communities either sought security in the refugee camps by pretending to be Sudanese refugees (mainly the Nuer) or took up arms to take their security into their own hands and resist the mounting political and social problems (mainly the Anywa) (Dereje, 2003). In a nutshell:

Nothing illustrates the failure of the Derg's attempt at national integration in the region more than the irony that, by the mid-1980s, it was more rewarding *and safer* to be a Southern Sudanese refugee than an Ethiopian citizen *in the Gambella region* (Dereje, 2006, p. 213).

It was this local dissatisfaction that finally gave birth to the Gambella Peoples' Liberation Movement (GPLM), which later allied itself to other liberation movements fighting for the overthrow of the *Derg's* regime. Fortunately, in 1991 the *Derg* was overthrown and Gambella became one of the nine regional states of the Federal Democratic Republic of Ethiopia (FDRE).

5.4. Gambella Regional State under the FDRE: Opportunities and Challenges

Given the historical marginalization of the peripheral regions during the imperial period and largely failed integration efforts by the *Derg*, the introduction of ethnic federalism created a new political space and institutional design to encourage local empowerment. Regardless of whatever criteria were used to delineate regional states under the new federal system, the promotion of the previous Gambella district to an autonomous regional state became one of the most prominent political steps ever taken by successive Ethiopian regimes to empower peripheral regions and integrate minorities into the mainstream Ethiopian polity (Young, 1999).

There are different oral accounts as to the grounds on which Gambella was recognized as one of the regional states by the new federal elites. According to one

GPLM veteran I interviewed (Interview – 15GOV, 04 Apr. 2012),²⁸ Gambella was recognized as a regional state because of their contribution to the armed struggle that finally toppled the *Derg*. Two factors that support this claim are the fact that the GPLM was recognized as the representative party of the Gambella peoples during the transitional period and also that the movement's chairman became the first regional president of the newly created Gambella regional state. This was the same in other regions in which previous ethnic-based liberation movements were automatically recognized as representative parties of their constituencies and their leaders assumed the newly created political positions for their respective ethnic groups or regions. All in all, according to this account, the contemporary Gambella regional state is an outcome of the struggle and ultimate sacrifices paid by the indigenous communities of the Gambella region (Interview – 15GOV, 04 Apr. 2012).

However, according to the central elites, as well reflected in articles by Andreas (2003) and Young (1999), the promotion of the previous peripheral provinces into autonomous regional states is a true reflection of the new democratic dispensation under ethnic federalism. In other words, it is right to self-determination in practice. According to this account, regional statehood for peripheral regions reflects the central elites' commitment to the empowerment and integration of historically marginalized minorities (Andreas, 2003; Kifle, 2001; Young, 1999).

Another explanation for the promotion of the former Gambella district to an autonomous regional state status is the power struggle between the three major ethnic groups, namely the Oromo, the Amhara and the Tigreans. The Oromo are by

²⁸ In addition to being a GPLM veteran, this interviewee was also one among the first regional executives of the newly established Gambella Regional State in 1991.

far the majority ethnic group in Ethiopia, accounting for 35% of the total Ethiopian population, followed by the Amhara who form 27% of the Ethiopian population. The Tigreans could be categorized as a numerical minority, accounting only for 6% of the total Ethiopian population. However, the Tigreans were the most organized and strongest rebel movement in the fight against the *Derg* so they became the dominant party in the coalition that toppled the *Derg* (Young, 1997). Hence, being aware of their numerical inferiority, the Tigreans were not in favour of annexing peripheral regions to the already big ethnic groups such as the Oromo or the Amhara (Young, 1999).

Since none of the above accounts actually contradict each other, they might have all contributed to the promotion of the peripheral regions, particularly the Gambella and Benishangul-Gumuz, to the status of autonomous regional states.

The transformation of Gambella into a regional state brought many visible changes both in terms of political representation and social development. In stark contrast to the imperial and *Derg* periods, under the ethnic federal system, regional administration was virtually handed over to the local people. In the area of social development, education showed tremendous improvement in terms of facilities and student enrolment. In the first ten years of ethnic federalism, the number of elementary schools and student populations in the Gambella region had increased by 80% and 75% respectively. The number of secondary schools in the region rose from one to six. In order to provide teachers for the new junior secondary schools, the capacity of the then Teachers Training Institute (TTI) was upgraded to college level, offering diploma programmes in education and health. The health programme

was started to meet the demands in the new clinics and health centres being constructed in rural areas (G.P.N.R.S. Education Bureau, 2002).

As part of local empowerment, especially in the regional job market, affirmative actions were introduced to increase the number of indigenous peoples in public sector jobs. These included the preferential treatment of the indigenous peoples vis-à-vis highlanders. In order to qualify as an indigenous person, one had to have at least one parent from one of the five indigenous ethnic groups; be married to one of these five ethnic groups; have a brother or sister from one of these ethnic groups, either through the father or mother; or speak one of the languages of the indigenous communities. Some of those affirmative actions included the obligation for the regional government to employ any high-school graduate or above from the indigenous peoples and free two-year work experience to give indigenous peoples a competitive edge over highlanders (GPNRS-Civil Service Bureau, 1998).²⁹ Although highlanders remained numerically dominant in public sector jobs, those affirmative actions resulted in the employment of many indigenous peoples as civil servants within different regional government ministries.

At the national level, the federal government established the Ethiopian Civil Service College (ECSC) in 1995 in order to provide a workforce for the newly created regional states. According to the ECSC, it was established:

To meet the urgent manpower needs of the regional governments in the context of decentralization given the right of nations and nationalities to determine their own affairs and

²⁹ GPNRS: stands for Gambella Peoples National Regional State.

to obtain the administrative capacity necessary to do this (ECSC, www.ecsc.edu.et, 10 Feb. 2012).

In its mission, the ECSC gives special emphasis to the admission of less advantaged groups such as women and students from less developed regions. At the moment, most of the civil servants and political leaders in the Gambella region – including the regional president – are all graduates from the ECSC. Hence, despite its characterisation by its critics (Alemayehu, 2010) as the training place for the cadres of the ruling party, this college had created unprecedented new career opportunities for minorities (ECSC, www.ecsc.edu.et, 2012).

Despite those early achievements, ethnic federalism also brought its own challenges. The former conflicts between indigenous ethnic groups over water and land resources were politicised and transformed into violent conflicts over regional political power; the affirmative measures for public sector jobs were perceived by the highlanders as discriminatory practices and infringement of their citizenship rights; and the appointment of federal advisors to the regional government of Gambella was challenged by the regional officials as a denial of their constitutional right to self-determination. All these challenges directly and indirectly transformed Gambella into one of the most conflict-ridden regions in Ethiopia. Therefore, for the sake of contextualizing some of the current conflicts related to LSLA which will be discussed later in thesis, it is important at this point to provide an overview of the conflicts history (main actors, causes and dynamics) in the Gambella region.

5.5. Conflicts in the Gambella region

Since 1991, Gambella has witnessed different kinds of conflicts among different groups over different causes. The prominent conflicts are the Anywa versus Nuer, indigenous versus highlanders, Anywa versus Majang, and Nuer versus Nuer conflicts. However, for the sake of this study, this section discusses only the Anywa-Nuer and Indigenous-Highlanders conflicts, which are the most persistent and protracted conflicts in the region.

5.5.1. Anywa versus Nuer Conflict

The Anywa-Nuer conflict is one of the most prominent and protracted of all conflicts in the region. Its historical roots can be traced back to the eastward migration of the Jikany-Nuer group in the second half of the 19th century. This eastward migration of the Nuer from Sudan to Ethiopia, in search for access to and control over vital natural resources such as pasture land and water, was accomplished at the expense of the Dinka and the Anywa territories (Kelly, 1985). As described by an Anywa elder, initially the Nuer settlers would ask the permission of an Anywa chief to give them land for a short period of time (Interview – 3IND, 23 Mar. 2012).³⁰ When they were given it, then they would invite relatives and politely request their Anywa friends again to allow the newcomers to stay for some time. The newcomers also invite relatives and it goes on and on (Interview – 3IND, 23 Mar. 2012). Gradually, this

³⁰ This elder is a son of an Anywa Chief of one of the villages under Itang *woreda*. His home village is one of the villages that is now completely inhabited by the Nuer as a consequence of Nuer expansion, and that is why he moved to Gambella town.

movement of the Nuer resulted not only in their territorial expansion but also in their demographic significance.

Traditionally, a major trigger of the Anywa-Nuer conflict is Nuer cattle trespassing into Anywa farmland where both groups live in neighbouring villages. When they were small in number, the Nuer could control their cattle and in such incidents they would opt for peaceful means of resolving the matter through an Anywa chief or compensate the Anywa farmer whose farm had been destroyed. However, when they grew in number, the Nuer gained confidence and began to allow their cattle to graze on the Anywa farmlands and were ready to fight when asked why they were not looking after their cattle. Moreover, the Nuer changed their peaceful strategy of acquiring land from the Anywa by becoming more aggressive and violent in their search for more lands (Interview – 3IND, 23 Mar. 2012). In the first three decades of the 20th century, thanks to their earlier acquisition of firearms from their imperial Ethiopian allies, the Anywa managed not only to contain Nuer territorial expansion but also launched a counter-offensive against the Nuer to recover lost territories (Dereje, 2003). Meanwhile, around the mid-20th century, the Nuer began to be involved in the ivory-for-firearms trade and in due course they reached a military balance with the Anywa. This in turn led to the stabilisation of relations and inter-ethnic exchanges. Thus, according to Medhane (2006), confrontation based on a balance of power gradually gave way to socio-economic cooperation between the Nuer and the Anywa. Since then, the Anywa and Nuer had lived in relative harmony based on cooperation, albeit interspersed with small-scale skirmishes and occasional cattle-raiding incidents from both sides.

Nevertheless, the escalation of the Sudanese civil war in the 1980s, the influx of hundreds of thousands of Sudanese refugees into the Gambella region in the same year, and the political ramifications in Ethiopia in the next decade turned the mode of relation between the Anywa and the Nuer from cooperation to competition and to violent conflicts (Kurimoto, 1993). These new developments brought with them new actors and structures of conflict, which drastically changed the intensity and nature of conflict among the Gambella communities. Hence, since 1991, although with some interruptions, the Anywa and the Nuer have been caught in violent conflicts (Dereje, 2003).

The first bloody conflict occurred from 1991 to 1992, right after the fall of the *Derg* regime. During the *Derg's* time, many Nuers settled in traditional Anywa territories and the *Derg* appointed Nuers to both of the senior political positions mentioned earlier. This was presumably to discourage and punish the Anywa, who by that time had formed a liberation movement (GPLM) and were engaged in confronting the *Derg* with other ethnic-based liberation movements across the country. The appointed Nuer officials allegedly made use of this opportunity to advance not only their quest for more Anywa land but also political domination over the region (Interview – 2IND, 22 Mar. 2012). From my discussions with Anywa people, many of them believe the *Derg*-Nuer officials in Gambella apparently formed an informal alliance with the SPLA against the Anywa farmers and residents. As a result, in the second half of the 1980s, the SPLA carried out a number of massacres and the destruction of Anywa villages like Pinyudo and Itang, after which both the Nuer-controlled local government and the central government of Mengistu Haile Mariam

took no action to prevent the massacres or to bring the perpetrators to justice (Kurimoto, 1993).

With the 1991 regime change, the power balance shifted to the Anywa as the GPLM took control of the Gambella. For fear of retaliation, the *Derg*-Nuer officials trekked to Sudan with SPLA forces and Nuer refugees in Gambella refugee camps. From their base in Sudan, a group of armed Nuer together with the SPLA mounted a counter-offensive, which resulted in the destruction of many Anywa villages along the border (Dereje, 2005). Thus, the first 12 months of the new regime was characterized by bloody conflicts between the armed Anywa forces in Ethiopia and armed Nuer forces from Sudan. Towards the end of 1992 a settlement was reached and many Nuer officials returned to Gambella and were incorporated again into the new regional government of Gambella with an Anywa as president, a Nuer vice president and a Majang secretary of the regional state.

Another large-scale conflict between the Anywa and the Nuer took place from 1998 to 2002. In this case, according to my analysis, many causes could be identified as related to the new system of ethnic federalism, including the question of language policy, which language should be taught in which school, which *woreda* belongs to who, what entitlement was to be used for representation in the regional government and others. According to the new system, representation in the regional government was based on number of *woredas*. This favoured the Anywa who by the time owned six out of the nine *woredas* in the region. In addition, the Anywa legitimated their dominant political status on the basis of settlement history (true indigenous people of Gambella) and contribution to the regime change. In order to widen their participation

in the new political process, the Nuer established a political party called the GPDUP (Gambella Peoples' Democratic Unity Party). The first counter strategy of the Nuer was to deconstruct the Anywa claim of indigeneity by invoking a longer historical scope of reference, their shared Nilotic origin and that both of them had migrated from South Sudan no matter who came first (Dereje, 2003).

In 1994, the first national census produced a new political instrument for the Nuer as they appeared to be numerically superior 40% to the Anywa 27% (CSA, 1994). Overnight, the Nuer political elite switched their approach to democracy-cum-majority rule (Dereje, 2006). In 1995, their argument was supported by the federal government and they were given more seats in the regional government (Interview – 15GOV, 04 Apr. 2012).³¹ This eroded the Anywa-dominated GPLM's trust in their ally the EPRDF. In parallel, the Anywa political elites were becoming more disenchanted with the federal government and the way the new ethnic federalism was being implemented (Interview – 15GOV, 04 Apr. 2012). On their part, the Nuer political elites saw this deterioration of the relationship between the former allies (GPLM and EPRDF) as a window of opportunity that they had to exploit (Choul, 2006).

By avoiding direct confrontation with the federal advisors in the region and building alliance with highlanders, the Nuer political elites won the mercy of the federal government over the Anywa political elites who were seen by the federal government

³¹ According to this interviewee, in the summer of 1995, the federal government organized a seminar for Gambella regional state leaders in Addis Ababa to discuss the root causes of conflicts in the region. In the seminar, the federal government representatives said that the root cause of the conflicts in the Gambella region was because Nuers are the numerical majority in the region and yet they are less represented. So the number of Nuer representatives was increased by reducing the number of Anywa representatives.

as rebellious (Interview – 8GOV, 23 Mar. 2012).³² Again the power shifted to the Nuer as the federal government turned against the Anywa leaders, dissolved the GPLM and imprisoned many Anywa community elders on the ground of being ‘narrow-nationalists’ (Interview – 15GOV, 04 Apr. 2012). This time the Nuer also launched another attack on Anywa villages in 1998 and took over 12 villages in Itang *woreda* (FGD – 8, 10 Apr. 2012). In 2000, they managed to take over the capital of Itang *woreda* after intense fighting that left over 100 people dead from both sides, including a number of policemen (Interview – 16GOV, 12 Apr. 2012). Unlike the past where conflict over land was mainly about grazing and water, this time, for the Nuer, taking more Anywa land also meant more power and representation at the regional government level (Medhane, 2006). The federal government intervened by imprisoning the Itang *woreda* officials and the surviving policemen, most of whom were from the Anywa ethnic group. This infuriated the Anywa elites who saw themselves as victims of Nuer aggression. Hence, the Anywa directed their exasperation at the federal government and their perceived agents in the region (i.e., the highlanders), shifting the old conflict to indigenous vs. highlanders/central government conflict (Chuol, 2006).

5.5.2. Indigenous versus Highlanders/Central Government Conflict

Another level of conflict in the Gambella regional state is between the indigenous peoples and the highlanders. One of the major resentments and causes of conflicts between them is the highlanders’ monopoly of the regional economy. Because of

³² This interviewee is at the moment a civil servant at the Ministry of Education and had been one of the regional executives for six years.

their better social network with the central government and long experience in business, the highlanders are more successful and thriving in the business sector in the region (Dereje, 2011). But, according to some indigenous people, this is not the only reason for the highlanders' dominance in business. They argue that both the government and its military forces have played a large role in protecting the interests of the highlanders while suppressing the few indigenous people who were trying to start small businesses (Interviews – 2 and 9BSS, 17 Mar. and 12 Apr. 2012).³³ I was given examples of some diaspora indigenous people who have tried to invest in the transport, hotel, agriculture and other sectors in Gambella. But, after a while, their assets were confiscated by the military and many of them were imprisoned and branded as supporters of anti-peace forces (Interview – 2BSS, 17 Mar. 2012).³⁴ According to this interviewee, the highlanders' businessmen took advantage of what the military called anti-peace forces to conspire against any indigenous person whom they perceived as a competitive business rival. This has triggered conflicts between the indigenous peoples and the highlanders, which always extends to the military intervening in favour of the highlanders (Interview – 2BSS, 17 Mar. 2012).

Another cause of conflict between the indigenous peoples and the highlanders is the paradoxical position of the highlanders in regional politics. On one hand, the highlanders are formally/constitutionally excluded from regional politics. According to the regional constitution, Gambella belongs to the indigenous peoples. The preamble of the Gambella Peoples' National Regional State (GPNRS) constitution, echoing the

³³ These two interviewees are from the indigenous communities who are running their own small-scale businesses (small shops) and small scale-farms (10-15 hectares each).

³⁴ Anti-peace forces or in Amharic *Tsire-Selam Ahiloch* is a generic term used by the Ethiopian government for all the armed opposition groups such as the OLF, ONLF etc. However, the government also applies this term sometimes to peaceful opposition groups and it has become synonym for dissidents.

country's constitution, starts with "We the nationalities and peoples of the Gambella regional state" (GPNRS, 1995, p.1), exclusively referring only to the five indigenous groups. On the other hand, the highlanders are connected with the higher form of power, the federal government and the military, turning them into 'significant others' in regional politics.

For the indigenous peoples who are caught up in conflict over the regional political power and resources, alliance with highlanders means more support from the federal government and the military. This is the strategy the Nuer political elites apparently employed to win the support of the federal government in their quest for more Anywa land and power in the regional politics. The strategy seemed to have worked well in their favour. In 2003, in the name of restructuring, the government merged four Anywa *woredas* and later increased the two Nuer *woredas* to four, giving them more representation in the regional government (Interview – 16GOV, 12 Apr. 2012). This, in turn, changed the conflict map from what used to be indigenous peoples and highlanders, to specifically Anywa and highlander/federal government conflict.

As consequences of the merging of the *woredas* and the Anywa-Nuer conflict in Itang, many Anywa government employees and policemen were dismissed from their jobs (Interview – 16GOV, 12 Apr. 2012). A few of those policemen, claiming to represent Anywa discontent, resorted to violence against not only the government establishments but also highlanders. This is because many Anywa believed that all the actions the central government had taken against them and the continued encroachment of the armed Nuer group into their land was a result of highlanders' conspiracy (Interview – 16GOV, 12 Apr. 2012). On December 13, 2003, Gambella

town witnessed an extreme form of violence in what Genocide Watch called 'Genocide' and Human Rights Watch called 'Crimes Against Humanity' (Genocide Watch, 2004; Human Rights Watch, 2005).

Drawing on my experience in Gambella from that time, the trigger of this massacre was the killing of eight government officials (highlanders) travelling from Gambella town to Itang. Without investigation of who carried out the killing, the military officials (highlanders) immediately disarmed all the indigenous policemen and blamed the killing on the Anywa banditry. In order to mobilize highlanders, the military displayed the bodies of the eight officials to the public. On the same day, the military and civilian-highlanders indiscriminately marched against the Anywa residents in Gambella town – the civilian-highlanders with machetes, pangas and stones and the military with machine guns, shooting and bombing strong Anywa houses in the town. According to Human Rights Watch, over 424 Anywa people perished from December 13 to 15, 2003 (HRW, 2005). Since then, up to late 2006, a spiral of revenge killings characterized the Anywa and highlanders/Ethiopian state's relationship.

The above-mentioned political tension between the Anywa and the Ethiopian state is further compounded by the prospect of the discovery of oil in the Gambella region. The Gambella basin is one of the five potential petroleum areas in Ethiopia (Ministry of Mines (MOM), www.mom.gov.et, 2011). In 2006, PETRONAS, a Malaysian oil company started oil exploration in the Gambella region. The exploration is largely a bilateral affair between the oil company and the federal MOM. According to the federal constitution, the federal and regional states jointly share the royalty from petroleum and mining exploitation. Article 100:3 of the Constitution (Concurrent

Taxation powers) specifies “the Federal State and the Federal government jointly levy and collect income tax and royalties on big mining, petroleum and gas operations”. Because most of the major potential oil sites are in Anywa territories, the Anywa believe that what took place on December 13, 2003 was an attempt by the government of Ethiopia to clear the region of indigenous peoples for oil exploration and extraction of other natural resources (Interviews – 1 and 2IND, 22 Mar. 2012).

These multiple conflicts have therefore made the Gambella region one of the most volatile regions in Ethiopia. Against this background, it would not be difficult to imagine the contribution of the contemporary LSLAs to the escalation of conflicts in the region, which will be discussed in detail in Chapter Nine.

5.6. Conclusion

This chapter has shown that the peoples of Gambella were from the very beginning integrated in to the Ethiopian state only as inferior citizens. In fact, as Collins argued, it was more the land and its resources that drove imperial Ethiopia to the lowland region of Gambella rather than any interest in the peoples who inhabited that land (Collins, 1983). Hence, the first experience of the indigenous peoples of Gambella with the Ethiopian state was that of political and economic marginalization at best and slavery at worse. Even after the abolition of slavery nationwide, the marginalization and social stigmatization continued to characterize the relationship between the lowland indigenous communities and the highland mainstream Ethiopian societies. The *Derg*’s attempt at integration and empowerment of the indigenous peoples of Gambella were soon overshadowed by its efforts to control

and impose socialist ideologies that were alien to the indigenous peoples. Against this background, the introduction of ethnic federalism and promotion of the former Gambella district into an autonomous regional state could be seen as the most progressive step ever taken by the successive Ethiopian regimes to empower peripheral regions. Nevertheless, ethnic federalism, while improving some of the old problems related to inter-ethnic power relations, entrenched and re-introduced others in different forms. These challenges, particularly those related to ethnic self-determination, are thoroughly discussed in the following chapter.

Chapter Six: Implementation of Right to Self-Determination in Gambella Regional State under the Federal Constitution of Ethiopia

6.1. Introduction

Despite the contentious debate among academics, politicians, and the ordinary populace over whether or not ethnic federalism is a viable political system for the country, both the supporters and the critics do agree to a certain extent that the major problem at the moment is not primarily about the legal framework that created the system *per se*. The key problem lies in the considerable gap between the constitutional principles and the actual political practice (Assefa, 2006; Clapham, 2006). This kind of argument is very pervasive amongst both the supporters and opposition political parties, as is reflected in the following explanation by one of the political opposition group in southern Ethiopia, provided by Tronvoll:

The provisions in the Constitution, I cannot deny, are really good. But its implementation is very weak. The EPRDF says that self-administration is there. But self-administration will be real only when people like Abate [the then president of the Southern Nations Nationalities and Peoples Regional State] is really in power and not only in office. Therefore, I don't tell my people that they are exercising their rights, because they are not in the real sense exercising their powers. Everything that is done in the south, including in Gedeo, is in the interest of the TPLF and EPRDF, and not in the interest of the Gedeos and the southern peoples. Their consent is not requested, even though there are Gedeoffa speakers in office. Those Gedeoffa speakers are not using their knowledge of the language to talk to their people and communicate their rights. Thus, there are Gedeo people in office, but not in power (Tronvoll, 2000, p.21).

Although from its inception the new political system employed right to self-determination as the guiding principle along which it mobilized the peasantry and garnered the support of other ethnic groups, today it is widely accepted that Ethiopia remains very much controlled by a strong central government (Aalen, 2002; Clapham, 2006; ICG, 2009; Kidane, 2001; Tronvoll, 2000). The federal government, despite the constitutional devolution of some powers to regional states, maintains strong control and influence over internal politics of the federal sub-units through parallel structures and “ethnic-based satellite parties” (Kidane, 2001, p.23). In the case of minority regions, here again there is a wide consensus that the interference of the federal government is even stronger, as summarized by Aalen as follow:

All in all, it appears that the four lowland regions [minority regional states] are the units in the Ethiopian federation, which experience the most severe central interference in regional affairs. They are governed by formally independent parties, but are nevertheless practically run by officials from the Regional Affairs Department and centrally assigned party cadres without formal positions. The EPRDF member states in the highlands [majority regional states], however, are facing less open interference in regional affairs than the lowland regions (Aalen, 2002, p.88).

In this chapter, I will discuss in detail the implementation of right to self-determination in the Gambella regional state against the three categories identified earlier in Chapter four namely, socio-cultural self-determination, political self-determination and economic self-determination. Hence, by drawing on various sources, this chapter will attempt to answer the first subsidiary research question: **how is the right to self-determination implemented in the Gambella region?**

6.2. Socio-Cultural Self-Determination

From its historical inception along the Red Sea coast to its contemporary status, Ethiopia has always been equated with the northern Abyssinian cultures of the Amhara and Tigray ethnic groups, both in the governmental presentation and foreign understanding, as was well articulated by Wallelign Mekonen four decades ago:

Ask anybody what Ethiopian culture is? Ask anybody what Ethiopian language is? Ask anybody what Ethiopian music is? Ask anybody what the “national dress” is? It is either Amhara or Amhara-Tigre!! To be a “genuine Ethiopian” one has to speak Amharic, to listen to Amharic music, to accept the Amhara-Tigre religion, Orthodox Christianity and to wear the Amhara-Tigre *Shamma* in international conferences. In some cases to be an “Ethiopian”, you will even have to change your name. In short to be an Ethiopian, you will have to wear an Amhara mask (Wallelign, 1969, p.2).

In 1996 during the fifth-anniversary of the EPRDF in power, one high official from the Gambella regional state government stated in his speech that:

The time when speaking Amharic was seen as a marker of Ethiopian citizenship and civilization is over and will never come back. Under the new system [ethnic federalism] you can be truly Ethiopian and a civilized citizen without the need to master Amharic (GPNRS, 1996, p.1).

These kinds of statements, which directly or indirectly condemn the northern supremacy, particularly the Amhara, for imposing their culture over the rest of Ethiopians, were very common in the early years of ethnic federalism both from federal and regional government officials. Despite some historical unifying factors

and shared national pride, after 1991, Ethiopian political history was categorically denounced and blamed for the instability that the country had witnessed over the years (Andreas, 2003). For instance, during the first election in 1995, Dawit Yohannes, the then speaker of the HPR and spokesperson for the ruling party, explained why ethnic federalism was introduced:

The EPRDF is challenging the political environment of Ethiopia. We do not have loyalty to history, it has proved to fail. We do not either perceive to contain Ethiopia as an absolute entity as our main goal, hence we also accepted Eritrean independence. We must find a solution which is beneficial for the Ethiopian people today, therefore history will not provide the answer. History has been used as a veil, covering up differences within Ethiopia. People have believed that we have had unity in this country, but this has never existed. What they call unity was a geographical entity dominated by one ethnic group. An Amhara peasant had never met an Eritrean, likewise an Afar nomad had never heard of a Nuer, let alone seeing one. And this they call unity! At the stage Ethiopia is now you cannot force people to form a unity (Tronvoll and Oyvind, 1995, pp. 47-48).

For the ordinary people who might not understand the ideological differences between the Marxist-Leninist regime and the new federal democratic regime, the contrast between the past and the present was simplified by the new officials. The past is characterized as 'one ethnic group supremacy' while the present is presented as 'the government of all Ethiopian ethnic groups' (HOF, 2006). In order to demonstrate the latter, several projects and initiatives were carried out both at regional state and federal level to promote cultural diversity and ethnic equality throughout the country.

At the federal government level, the Ministry of Culture and Tourism (MOCT) played a frontline role in promoting cultural diversity. Although the *Derg* also recognized

cultural diversity, the EPRDF actively promoted the celebration of cultural identities. As indicated on the website of the MOCT, its mission is defined as:

To study, preserve, develop and promote the cultural wealth and the national tourism attractions of the nations, nationalities and people of Ethiopia and to build the positive images of Ethiopia with a view to adding a sustainable socio-economic and political values with popular and stakeholder's participation (MOCT, www.tourismethiopia.gov.et, no date).

At the regional state level, similar ministries were established to preserve and promote regional cultural diversities. In 2006, 'December 8' was designated as the 'Nations, Nationalities, and Peoples' Day' to be observed as a national holiday to promote various cultures and at the same time to encourage exchange of knowledge among various Ethiopian ethnic groups (HOF, 2006). As can be seen during the celebration of this day (pictures at, HOF, www.hofethiopia.gov.et, 2010) different ethnic groups come with their traditional clothes, musical instruments, and traditional drinks, demonstrating the cultural diversity of the country. According to HOF, this day is designated to help the previously dominated Ethiopian ethnic groups be proud of themselves as individual groups but also be tolerant of other groups' cultures and ways of life (HOF, www.hofethiopia.gov.et, 2010).

In Gambella regional state, although Amharic was retained as the official language for the regional government, the major three local languages (Anywa, Nuer and Majang) were introduced as the medium of instruction and as subjects in the primary schools and high schools in the respective *woredas* belonging to these ethnic groups (GPNRS, 2002). This was a radical change from the past where school textbooks from primary to secondary levels had barely mentioned the name Gambella let alone its peoples and their cultures. Moreover, an amount of literature was printed in those

languages by the regional Ministry of Education (Ethiopian Folktales, 1997). Likewise, regional minorities in the Gambella region like the Kumo and Opo whose identities and languages had been stigmatized began to openly talk about their identities and promote them in different ways (Interview – 2GOV, 15 Mar. 2012).³⁵ Hence, it can be argued that ethnic federalism proved itself to be a game changer in the socio-cultural landscape of Ethiopia.

In line with the efforts of rebuilding cultural self-confidence, some re-traditionalization measures were also introduced in the early years of ethnic federalism in the Gambella region. For example, some villages reinstated the role of chiefs, which had been abolished during the *Derg* regime (Interview – 3IND, 23 Mar. 2012). Traditional clothes, dance and musical instruments were also revived and young generations were encouraged to take lessons. Similarly, around the same period (early 1990s), a few villages also revived the cultural practice known as '*naak*' (the extraction of six lower teeth) which was banned during the cultural revolution of the *Derg*. However, this practice was also soon discouraged on the grounds that it contributed to the spread of HIV/AIDS and it was classified as a harmful traditional practice (Interview – 6IND, 26 Mar. 2012).³⁶ Hence, even though those re-traditionalization efforts did not really go far, simply because most people did not aspire to them and the younger generation appears to be modernist in its outlook and aspirations, ethnic federalism had at least achieved one thing – that is, it had helped formerly marginalized ethnic groups regain ethnic pride and had offered them freedom and choice to express their cultures either in private or in public.

³⁵ This interviewee who is now an elected official used to work as a Development Agent (DA) among the Opo and Kumo people.

³⁶ This interviewee works for a NGO as Gender Coordinator.

6.3. Political Self-Determination

The transformation of the former Gambella district into a regional state brought many visible changes in terms of political representation of the indigenous communities. One of the salient changes was the appointment of indigenous peoples in all the newly created political positions within the regional government. The first 20 ministerial positions created in 1992 within the regional government were all filled by members of the indigenous communities (GPNRS, 1992). For the first time in Ethiopian history, the people of Gambella were represented in the central government by three MPs in the HPR. Hence, in stark contrast to the imperial government's policy of co-option of local elites and the *Derg's* appointment of a few local people to the district administration, during the era of ethnic federalism, regional administration was virtually handed over to the indigenous people. In a dramatic reversal of power relations, the highlanders, who had long dominated the regional politics of Gambella, during both the imperial and *Derg* regimes, now assumed a subordinate political status within the new political system.

However, this honeymoon period of excitement about political self-determination did not last long. Despite the appointment of members from the indigenous communities in the regional administrative posts and representation at the federal government level, it was soon realized that actual decision-making power remained in the hands of the federal government. As one former high regional official said, "what were given to the region were only the offices and not the power" (Interview – 5IND, 24 Mar. 2012).³⁷ Those regional officials who attempted to exert their constitutional powers

³⁷ This interviewee at the moment works for an international NGO but had worked for eight years at the regional government of Gambella as head of different regional ministries.

vis-à-vis the centre were soon removed from their positions under a variety of charges (Interview – 8GOV, 23 Mar. 2012).

Moreover, apart from the formal and constitutional governance structures, the federal government seems to have created or used parallel powerful structures through which it maintained its grip on regional states and particularly minority regions. In the case of the Gambella region, I discuss below four of these structures, which arose in my conversations with concerned people on the question of political self-determination in the region.

6.3.1. The Ministry of Federal Affairs

Before being promoted to a ministerial status, this body used to be known as the Department for Regional Affairs under the office of the Prime Minister. Initially, the department was established to facilitate communication between the federal and regional governments and advise the Prime Minister on regional affairs (Assefa, 2006). Soon, this department became mostly known for its unpopular interferences in the internal affairs of regional states, especially ‘minority regions’. Due to its lack of legal basis to interfere in regional affairs, the department was changed to an independent ministry with a legal basis, as outlined in the proclamation 256/2001. According to this proclamation, the powers and duties of this new ministry include:

1. In cooperation with regions, ensure that public peace and order is maintained.
2. Without prejudice to the provisions of Articles 48 and 62:6 of the federal constitution, facilitate the resolution of misunderstanding arising between regions.

3. Give assistance to the regions, with particular emphasis on the less developed ones.
4. Supervise and coordinate the executive organs (mainly the Federal Police Commission, the Federal Prison Administration, the National Urban Planning Institute and Addis Ababa and Dire Dawa City administration (Proclamation 256/2001)

In essence, the above-listed functions do not make the new ministry different from its predecessor except for the elaborate legal structure within which it has been set up. Most interestingly, this proclamation explicitly states the particular emphasis of this new ministry on the less developed regions – i.e. minority regions.

The reasons for special emphasis on minority regional states are explained by the federal officials on three grounds. In the first place, these regions have been historically isolated from the centre, making them the least developed regions in the country in terms of educated human resource, access to basic social services, and related development infrastructure. Hence, federal government's intervention and special attention is seen as vital for accelerating development in those regions (Interview – 1 and 2GOV, 15 Mar. 2012).

Secondly, these regional states are not only marginalized in terms of development but also physically located at marginal territories, which are frequented by cross-border conflicts and armed insurgencies. In order to tackle those security threats, the federal government through the Ministry of Federal Affairs deploys security personnel to those regions to coordinate responses to national security threats (Interview – 1 and 2GOV, 15 Mar. 2012).

Thirdly, unlike other regional states which have clear regional majority ethnic groups, minority regional states, such as Gambella and Benishangul-Gumuz, do not have clear regional majority ethnic groups. As such, those regions are governed by coalitions of different minority ethnic groups, which have to constantly negotiate their differences and find peaceful ways of accommodating their interests. Thus, the presence of external mediators – i.e. advisors from the federal government – is justified in order to help those regions resolve their differences without resorting to violence (Interview – 1 and 2GOV, 15 Mar. 2012).

Despite the above-mentioned seemingly compelling reasons, the way in which the Ministry of Federal Affairs has been discharging its responsibilities in minority regions has been a subject of criticism from the indigenous communities of those regions. For instance, Aalen argued that:

Although the representatives from Regional Affairs Department officially are known as technical experts, they participate in regional council meetings and intervene directly in regional affairs. They exceed their mandate as consultants and assistants, and become more like managers that the regional government is accountable to...these advisors virtually ran the regional governments and were an obstacle to self-determination (Aalen, 2002, p. 86).

The presence of federal advisors in minority regional states is one of the bitterly contested issues in the federal-state relationship among the minority regional states' authorities and ordinary communities of those regions. Before making a generalization, a distinction has to be made here about the kind of experts that the federal government sends to minority regions. In the specific case of the Gambella region, there are the political and security advisors, finance and economic experts,

and development advisors (Interview – 8GOV, 23 Mar. 2012).

The last two categories are most often dispatched to a regional state for a limited period of time and work in a specific sector or assist those regional governments in specific time-bound projects. Their assignment could be as specific as assisting those regional governments with budgeting, or planning and implementation of specific projects. Those kinds of experts are generally welcomed by the regional and local governments due to limited manpower in certain technical sectors. In fact, according to one of my interviewees who used to be Deputy Head of the regional Ministry of Finance and Economic Development, on one occasion his ministry officially requested the federal government to provide experts in accounting and finance (Interview – 4GOV, 21 Mar. 2012).³⁸

Most of the problems with regard to federal-state relations lie in the so-called political and security advisors. Those advisors neither have specific job descriptions nor any legal framework within which they operate. Moreover, they do not even have a time limit, although they could be changed anytime upon the orders of the federal government. According to one advisor, they can stay in those regions “until those regions are able to run their own affairs” (Lul Seged, 2000 cited in Aalen, 2002, p.85). Yet, it is only up to the federal government to decide when those regions are able to run their own affairs.

Apart from those ambiguities, in the Gambella region, the regional officials complain about the incompetence of those advisors and their military-style approach to solving

³⁸ This interviewee is an elected regional official who has worked at different regional ministries at different posts for more than 10 years.

problems (Interview – 4GOV, 21 Mar. 2012). All the political advisors sent to the Gambella region over the last couple of years were actually former TPLF fighters who had no civilian administration experience, and only had military experience. As such, their political worldview was not only constantly clashing with the civilian political administration system but also sharply opposed to traditional political systems of the people they were expected to be coaching (Interview – 4GOV, 21 Mar. 2012).

Therefore, although the idea of establishing the Ministry of Federal Affairs to assist minority regions towards effective self-determination is in itself a novel one, the actual work of this Ministry so far, rather than encouraging local empowerment, is on the contrary perpetuating the dependency of minority regions on the federal government. Moreover, the Ministry has already to a great extent lost its legitimacy as a supporter and is now seen by minorities as a federal instrument for controlling minority regions (Assefa, 2006).

6.3.2. Central Party Structure

The structure and internal functioning of the ruling party is another element that has been apparently obstructive to the realization of political self-determination for minority regions. In principle, the ruling party – i.e. the EPRDF – is a coalition of regionally-based ethnic parties. The member parties are the Tigray People's Liberation Front (TPLF), the Amhara National Democratic Movement (ANDM), the Oromo People's Democratic Organization (OPDO), and the Southern Ethiopian

Peoples' Democratic Movement (SEPDM). The EPRDF therefore only represents the four dominant regional states or ethnic groups (except for the SEPDM, which is made up of many Southern ethnic groups). Those same parties that form the central ruling party are also the ruling parties of their respective regional states.

On the other hand, minority regional states are ruled by what are called the 'EPRDF affiliate parties', which are not direct members of the central ruling coalition. These are the Gambella Peoples' Democratic Movement (GPDM), the Benishangul-Gumuz Peoples' Democratic Unity Front (B-GPDUF), the Somali People's Democratic League (SPDL), the Afar People's Democratic Organization (APDO), and the Harari National League (HNL).

This structure of the ruling party makes it clear from the outset that minority regions and their parties are not part of the central ruling elite. Since they are not members of the ruling coalition party, they are not represented in the Central Committee of the EPRDF where important national policies are actually planned and decisions made. As such, the party structure marginalizes and undermines the realization of political self-determination for minority regions in two fundamental ways.

In the first place, although minority parties are not represented in the central ruling coalition party (i.e. the EPRDF), the ruling party is represented in the minorities' parties and plays a pivotal role in their operation. In the above-mentioned minorities' parties (i.e. EPRDF-affiliate parties), there is at least one representative of the EPRDF appointed by and accountable to the central committee of the EPRDF. The representatives of the EPRDF in minority regions do not have clear written

mandates. However, from the experience of the Gambella regional state, they are responsible for developing the political positions of those regions and they could also appoint and/or dismiss executives of those parties (Interview – 11GOV, 3 Apr. 2012). On this ground, Assefa argues that the role of EPRDF representatives in minority regions “had gone so far as to make these states puppets of the central government, rather than autonomous states” (Assefa, 2006, p.154).

Secondly, the central party controls minority regions and, in fact, even other majority regions through the practice of what is known in Amharic as *gimgema* (i.e., public evaluation of politicians and bureaucrats). According to Young (1997), the genesis of this practice goes back to the time during the TPLF’s armed struggle where they had to evaluate the mistakes and progress of their military strategies on a regular basis. It was legitimized on the claim that it made the then guerrilla commanders more efficient and accountable to their subjects (Young, 1997). Today, this practice of *gimgema*, in addition to being continued within the military and party system, is replicated at all levels of government and applied to both elected officials and civil servants.

From the experience of the Gambella region, there appears to be no rules about how to carry out those evaluations. At the higher regional government level, the sessions are mostly conducted in meetings where only the evaluated leaders and the evaluation team (EPRDF party officials) are present. At lower levels, in *woredas* or *kebeles*, some evaluation sessions are open to the public where the audience can directly interact with the panel. Some evaluations are conducted on a regular basis, while others have a more immediate character initiated by either regional or federal

party leaders whenever they feel it is needed. At the end of every evaluation session, the panel can either keep or promote those who have performed well and warn, demote or dismiss those officials who have not done well. In the worst cases, some officials could be arrested during the evaluation sessions (Interviews – 4 and 6GOV, 21 Mar. 2012).³⁹

Some argue that *gimgema* has the potential to enhance democracy and encourage accountability and transparency (Young, 2000). One *woreda* administrator added that *gimgema* provides space for people's voices in their local administration and make leaders responsible to the citizens (Interview – 12GOV, 28 Mar. 2012). However, others argue that, since it is not formalized or established by law, it remains open to political manipulation and abuse (Abbink, 2000; Aklilu, 2000). For example, Aklilu argues that *gimgema* has become more punitive than correcting and educating (Aklilu, 2000). According to Aalen (2002) and Abbink (2000), *gimgema* is one of the most important tools for the party in power to discipline the lower/regional party cadres and bureaucrats and make them loyal to the central party line.

The misuse and abuse of *gimgema* is highly manifested in the Gambella regional state where it has been used as a tool to dismiss and imprison local politicians who challenge the interference of the central government into regional affairs, or defend the interests of the indigenous peoples (Interviews – 4 and 6GOV, 21 Mar. 2012). Since the EPRDF took power, the past successive three regional presidents of Gambella were all removed from power, not by loss of democratic election from their constituencies, but through *gimgema* initiated and conducted by the federal

³⁹ Interview – 6GOV is also an elected regional official who has worked for different regional ministries.

government. Two of them were arrested immediately after supposedly failing to defend themselves during *gimgema* and spent more than four years each in prison (Interview – 8GOV, 23 Mar. 2012). The third, according to his account, sneaked out of the meeting (*gimgema*) during the lunch break and trekked to South Sudan after he sensed that he would face the same fate as his predecessors (Okello, interview with Anywa Radio Service (ARS), 13 Dec. 2011).

6.3.3. The National Army and Federal Security Units

Since the Gambella regional state is located at an unstable border with South Sudan, there is a big military presence in the region to counter threats of insurgencies and other insecurity issues. In addition to the regular army, at the time I was carrying out my research, there were other specialized security units operating in the region such as the federal police, counter-terrorism force and the special force. The way in which those federal security agents operate in the region is another contested issue by members of the indigenous communities (Interviews – 1 and 2IND, 22 Mar. 2012). In fact, the security agents have been implicated for various gross human rights violations in the region by different international human rights organizations (Genocide Watch, 2004; HRW, 2005 and 2012; International Human Rights Clinic (IHRC), 2006).

Apart from human rights concerns, the big presence of federally commanded security units has also been posing a threat to political self-determination of the Gambella region. Firstly, because of their direct command structure with the federal

government, those security units in most cases tend to carry out their responsibilities in the region with complete impunity and above the regional government/constitution (Interview – 15GOV, 4 Apr. 2012). Although there is a regional police force (mainly composed of members of the indigenous communities) that is, in principle, charged with the responsibility of enforcing law and order in the region, the federal security units (almost all highlanders) also sometimes engage in police work on behalf of the federal government, thus overshadowing the regional police force (Interview – 15GOV, 04 Apr. 2012). The coordination and relationship between the federal security units and the regional police seems to be very weak at best and hostile at worst.

For instance, during the December 13, 2003 massacre of the Anywa in Gambella town, the army disarmed the local police before carrying out the massacre in order to prevent any local resistance (HRW, 2005). Since then, there has been an atmosphere of mistrust between the federal and regional security bodies. In fact, there is a widespread perception among the indigenous communities that the federal security units in the region are there only for the highlanders and the interests of the federal government, even if that comes at their expense (Interviews – 1 and 2IND, 22 Mar. 2012).

Particularly at times when there are insecurity concerns in different *woredas*, the federal security units take direct control not only of the security issues but also of the day-to-day administrative issues of the respective *woredas*. In 2003, while I was working for the government as a civil servant in Gog *woreda*, the military went to one *kebele* to arrest alleged bandits. On their way there, they were attacked by bandits

(from the Anywa ethnic group) and three of them were killed. When the military came back they called for *gimgema* (evaluation) of the *woreda* officials who were all members of the indigenous Anywa ethnic group. During this *gimgema*, the panel, which was composed of high military officials (all highlanders), dismissed the whole *woreda* cabinet except for one member, accusing them of supporting/sympathizing with the bandits, and appointed new members in their positions. Hence, the army and other federal security units in general play a *de facto* role as superiors of the *woreda* and regional government officials, which obscures the idea of self-determination in the region.

6.3.4. Capacity Building Programmes

Finally, another less obvious challenge to political self-determination is the various capacity-building programmes that are tilted towards the ruling party's policies/programmes and ideology of 'revolutionary democracy' and 'developmental states'. Funded by the World Bank and other international donors, the government runs a multi-million dollar programme known as the 'Public Sector Capacity Building Programme (PSCAP)'. The objectives of the Programme supposedly are:

1. To improve the scale, efficiency and responsiveness of public service delivery at the federal, regional, and local levels.
2. To empower citizens to participate more effectively in shaping their own development.
3. And to promote good governance and accountability in the public sector (World Bank, 2010).

The donors see this Programme as crucial to supporting Ethiopia's general efforts towards poverty reduction and achievement of the Millennium Development Goals (MDGs) by strengthening the human and institutional capacity of the government (Development Assistance Group – Ethiopia, 2010).

However, in its 2010 report entitled 'Development without Freedom: How Aid Underwrites Repression in Ethiopia', Human Rights Watch accused the Ethiopian government, particularly the ruling party, of using foreign aid to crush political opposition by conditioning access to critical government development programmes on membership/loyalty to the ruling party (HRW, 2010). The report documented the ways in which the government uses donor-supported programmes as a tool to consolidate the power of the ruling party. Of particular relevance to this section, the report argues that:

Foreign aid-funded capacity-building programs to improve skills that would aid the country's development are used by the government to indoctrinate school children in party ideology, intimidate teachers, and purge the civil service of people with independent political views (HRW, 2010, p.52).

The experience of the Gambella regional state strongly supports the Human Rights Watch's report findings in other regional states. Since 2006, the regional government of Gambella in collaboration with the federal government has been carrying out various summer political training programmes for students, teachers, civil servants and party cadres (Interview – 13GOV, 03 Apr. 2012).⁴⁰ Similarly, in the autumn of 2009, in preparation for the 2010 national election, over 700 teachers and civil

⁴⁰ This interviewee is an elected official at the *woreda* level and he works as the secretary of the ruling party (GPDM) at the *woreda* level.

servants from the Gambella region were taken to Awassa, capital of SNNPRS, where they were given training by EPRDF officials for six weeks (Interview – 13GOV, 03 Apr. 2012). Although the organization and contents of these trainings varied across different groups, their underlying message was all about promoting ‘revolutionary democracy’ and ‘developmental state’ as the best models for democratization and development for countries like Ethiopia (Interview – 13GOV, 03 Apr. 2012). However, in terms of content, there is nothing new in the way these concepts are articulated other than glamorizing the ruling party (EPRDF) and its achievements over the last two decades in power on one hand; and demonizing the opposition parties, international media and human rights organizations on the other (Adal, 2010).

For instance, in most of the documents ‘revolutionary democracy’ is only presented as the opposite of liberal democracy or defender of collective rights and sometimes as the guardian of the poor against free-market forces. According to Adal Isaw, a revolutionary democracy advocate:

Revolutionary democracy rejects the philosophy of aggrandizing the individual as if he or she, by uncoordinated design, is the source of economic and political development. Political and economic development is the result of a planned collective effort, not the result of a spontaneous interaction of self-seeking individuals (Adal, 2010, p.6).

With regard to ‘developmental state’, one document issued by the ruling party in 2007 draws a distinction between what it calls the ‘developmental actors’ – i.e. the government and the ruling party – and ‘the rent-seeking’ actors – by implication non-governmental actors (EPRDF, 2007 cited in Dessalegn, 2011). The former are

depicted as the ones committed to the development agenda of the country and betterment of the populace, while the latter are portrayed as guided by selfish motives and seeking only personal gain in the form of property, wealth or simply status (EPRDF, 2007 cited in Dessalegn, 2011). As Dessalegn puts it:

In Ethiopia today, it is argued, all civil society organizations, opposition political parties, individuals and groups in private enterprise, and other groups are described as rent-seeking entities, while in contrast EPRDF, the ruling Party, is claimed to be the only one which has developmental credentials (Dessalegn, 2011, p.7).

Therefore, capacity-building programmes in Ethiopia today, rather than strengthening federalism by encouraging diversity of ideas and innovation, are used by the ruling party as soft power to consolidate its power by winning the hearts and minds of its followers in particular and the general populace at large. As such, government-sponsored capacity-building programmes seem to be aimed at maintaining the ideological dependency of regional states on the central party and impeding the development of new ideas and models that could have otherwise nurtured ethnic federalism in general and local self-determination in particular.

6.4. Economic Self-Determination

As already discussed in Chapter four, economic self-determination is defined in this thesis as “the ability of the peoples to take control over their mineral resources and use those resources for their own ends” (Farmer, 2005, p.419). Although there has been no major extraction of natural resources so far in the Gambella region, I have

tried to investigate this question by looking at the involvement of the regional government in the oil exploration projects by PETRONAS – Malaysian Oil Company – and gold mining project by MIDROC – a private company – in the Gambella region.

In 2003, PETRONAS and Zhongyuan Petroleum Exploration Bureau (ZPEB) of China signed a contract for an oil exploration project in Gambella region with the federal Ministry of Mines (MOM). Likewise, MIDROC Gold Mine Plc. had been carrying out both exploration and production of gold in the Dimma *woreda* of the Gambella region since 2009/2010 (MOM, 2011). In both cases, the regional MOM seems to be virtually excluded from all governance structures of those operations. In my interview with one official from the regional MOM, he stated that:

Anything that has to do with minerals and resources beneath the earth's surface belongs to the federal government. The regional government is only responsible for resources on the earth's surface such as sand and construction stones (Interview – 10GOV, 27 Mar. 2012).

Hence, it seems that not only is the regional government excluded from these operations but also they are persuaded that it is not their mandate to be involved in the exploration and extraction of natural resources under the earth's surface. Even though it is difficult to draw a general conclusion from these two cases, they can at least help to predict the possible mode of cooperation between the federal and regional governments in case of large-scale discovery and extraction of natural resources in the future.

Therefore, despite the discrepancies in the implementation of both socio-cultural and political self-determination in the Gambella regional state, economic self-

determination in practice seems to be even the weakest of all. That is why this thesis has chosen to focus on one of the components of economic self-determination (i.e. LSLA) as a point of departure to analyse the state-communities' relations under the system of ethnic federalism in Ethiopia.

6.5. Conclusion

My findings on the implementation of the right to self-determination in the Gambella region suggests mixed results so far. At the socio-cultural level, the ethnic federal system in general seems to have created an enabling environment for the previously marginalized and stigmatized communities to freely express and promote their cultures. However, on the political front, in spite of the visible symbolic representation of the indigenous communities in the regional government, regional autonomy seems to have been sabotaged by parallel federal structures that control the region behind the officially elected indigenous leaders. Economically, although there has been no major extraction of natural resources in the Gambella region so far, the experience with gold mining in the region suggests an absolute exclusion of the regional government from both the governance structures involved in the mining operations and the benefits incurred. As such, economic self-determination – i.e. the ability of the people to control and manage their natural resources in their own interests – seems to be one of the weakest aspects of self-determination or ethnic federalism in general in the Gambella region. That is why I have chosen one aspect of economic self-determination (i.e. LSLA) as a prism through which I critically investigate the state-communities power relation (social contract) articulated under

the system of ethnic federalism. Hence, each of the next three chapters will look at a different aspect of LSLAs in the Gambella region.

Chapter Seven: Modalities and Actors of Large-Scale Land Acquisitions vis-à-vis Indigenous Communities' Right to Land in Gambella Region

7.1. Introduction

The aim of this chapter is to provide a detailed analysis of large-scale land investments that have been taking place in the Gambella region since 2007/2008 and therefore provide an answer for the second subsidiary research question: **what are the modalities of large-scale land acquisitions vis-à-vis the indigenous communities of Gambella?** In the first two sections, based on a close reading of relevant official documents and interviews with concerned people, I will provide an introductory background to LSLA and the gradual policy shift from small-scale farming to large-scale industrialized farming. Then in the next five sections I will discuss the modalities of large-scale land investments with regard to both the formal and informal processes involved in how investors acquire land, the coordination and/or frictions between different relevant ministries or departments, community consultation/participation, the content of land lease agreements, and an analysis of the major gaps in those land lease agreements. Finally, in the last three sections the chapter will discuss the data about the available land for investment being marketed by the federal government, estimated actual land that has been leased out so far to investors, and the composition of investors in the Gambella region.

7.2. Background to LSLA in Ethiopia

Since the second half of the 1990s, the Ethiopian government has implemented three generations of LSLAs in various parts of the country. Data from the Ministry of Agriculture and Rural Development (MOARD, 2012), the responsible ministry for LSLA, indicates that large-scale land leases in Ethiopia did not just start in the aftermath of the 2007/2008 global food crisis as presented in different reports (HRW, 2012; OI, 2011a).

According to data from the MOARD (2012), the first generation of LSLA can be said to have taken place from the mid-1990s to 2002. During this period, the majority of large-scale land leases were predominantly made to local investors and the sizes of the lands leased to these domestic investors were as small as 500 ha or even lower. In most cases, those investors were not only Ethiopians but also native to the localities in which they invested. Most of them were successful businesspersons in urban areas or from the diaspora who wanted to give something back to their local communities (Lalem, 2010). Most of these land transactions were processed at respective regional states with close collaboration with concerned *woreda* governments. During this period, those investments seem to be generally welcomed by local communities for four main reasons. Firstly, those investors were producing food for domestic markets. Secondly, since most of those investors were native to the areas in which they invested, they were seen by their hosts as one of 'them' and not as exploiters. Thirdly, since the areas acquired by most of those investors were relatively small, they did not cause much displacement; and finally, the local

communities also directly benefited from local job creation (Interview – 1BSS, 15 Mar. 2012).⁴¹

The second generation of LSLAs can be associated with the boom of the cut-flower industry in the country from 2003 onwards. The export share from this industry has been growing by an average of more than 100% annually since 2004 and it has created more than 139,000 jobs since then (Ayelech, 2007; UN COMTRAD, 2008). At the moment cut flowers are the fifth largest exportable commodity of the country (EHPEA, www.ehpea.org, 2011). Despite the significant number of domestic investors involved in this industry, foreign investors have been at the forefront in terms of production outputs and export to Europe and other western markets (Demeke, 2007). In addition to the involvement of foreign investors and export-oriented production, during this period the displacement of small-scale farmers began to be witnessed even though it remained relatively small (Tarekegn, 2008). Similarly, since most of the lands demanded by those investors were located in the vicinity of Addis Ababa, and due to the growing number of foreign investors, the federal government through the MOARD began to be actively involved in the process of those land deals, taking over the role previously executed by regional and *woreda* governments.

Encouraged by the success of the cut-flower industry and pushed by the global food crisis and financial meltdown, what I categorize as the third generation of LSLA began in 2007/2008. As will be discussed later, in the Gambella region the number of investors jumped from less than 10 in 2006 to 56 in 2007, and by 2011 the

⁴¹ This interviewee is a large-scale agricultural land investor in Gambella who has some investments (2000 hectares land lease) in his home town in the Oromia region.

number had reached 896 (Gambella Investment Agency (GIA), 2011). This generation of investors is very different from its predecessors in several aspects. Unlike the former investors, these new ones acquired tracts of lands as large as 25,000 ha to 100,000 ha (Ruchi Agri Plc, 2010 and Karuturi Agro Products Plc, 2010 respectively). Given the enormous size of the lands acquired, dispossession and displacement of local communities became widespread during this third generation of LSLAs (HRW, 2012). Moreover, with the creation of Agricultural Investment Support Directorate (AISD) under the MOARD in 2009, the federal government monopolized all activities related to LSLA, to the detriment of relevant regional state governments and local communities. This chapter, and in fact this thesis, focuses on this last generation of LSLAs in Ethiopia, particularly in the Gambella region.

7.3. Policy Shift from Small to Large-Scale Agriculture

Before I proceed to discuss the actual land investment process in the Gambella region, it is important to first discuss the land investment policy environment that has been put in place by the Ethiopian government. Based on my analysis of the relevant rural development policy documents, it seems that the current large-scale land investment in Ethiopia is not a phenomenon born only in the wake of the recent global food crisis. There has been a strategic shift within the last decade in the rural development and poverty alleviation policies of the government from smallholder cultivation to large-scale farming. Hence, the recent global food and financial crises served only as catalysts to what the government had been planning, preparing for and promoting long before those crises erupted. In order to see this shift, we need to

have a quick look at some of the most important rural development policy documents that this government has put in place over the last two decades.

7.3.1. Agricultural Development Led Industrialization (ADLI)

Since coming to power in 1991, the current EPRDF government has strongly promoted smallholder cultivation and crop production as the backbone for the country's economic growth in general and poverty alleviation in particular (Workneh, 2008). In pursuit of this policy goal, increased support was made available to smallholders, mainly through donor assistance and domestic resources in the form of provision of improved seeds, credit services, new technology packages, and a variety of human capacity development programmes (Workneh, 2008). To this end, a number of pro-peasant policy documents were produced directed at the empowerment of small-scale farmers.

The initial strategic document in the direction of empowerment of small-scale farmers is the 'Agricultural Development Led Industrialization' (ADLI) strategy, put forward by the government of Ethiopia in 1993. One of the principal objectives of this strategy is to modernize and increase the productivity of small-scale farmers through the supply of appropriate technology, certified seeds, fertilizers, rural credit facilities and technical assistance (Mitik, 2010). This strategy was not only rural-centred, it also depicted small-scale farmers as the engine of growth for the national economy as a whole. Under this strategy, the development of agriculture in general is believed to lead to industrialization by providing the required raw material, capital base, surplus

labour and capital accumulation (Dercon and Zeitlin, 2009). Along this line, different sectoral policies were streamlined and formulated in the subsequent years, which include, the launching of a nationwide agricultural extension programme; the ratification of laws that liberalized the procurement and distribution of inputs (improved seeds and fertilizers); and efforts to boost rural credit facilities for small-scale farmers (Getachew, 2003). Hence, it could be concluded that, in its first decade in power, the EPRDF's development policy as a whole was categorically in favour of the small-scale farmers and its land policy in general was more peasant-friendly.

7.3.2. Rural Development Policy and Strategies Document

However, from the beginning of 2000, this small-scale-centred strategy began to shift gradually and subtly. The first sign of this shift appeared in the 'Rural Development Policy and Strategies Document' published by the government in 2003. Even though a significant focus remained placed on the shoulders of small-scale cultivators as an engine of growth, the document also acknowledged the fundamental role of large-scale farming. The document, as quoted below, explicitly speaks of an unavoidable 'role change' from small-scale farmer to large-scale investor and from peasant agriculture to capitalist farming.

Experiences of developed economies clearly show that as an economy grows there is a tendency for some small farmers to quit the sector and seek employment in other sectors, and there are others who accumulate enough capital to go big in the sector. This implies that there is a direct correlation between agricultural growth and the role of private investment in the sector. This in turn means that assuming the objective of accelerated agricultural

development is achieved; it is likely that there will be a role change. The key actor in the sector's development will be relatively large-scale private investors and not the semi subsistence small farmers (Ministry of Finance and Economic Development (MOFED), 2003, p.3).

In addition to alluding to this strategic policy shift from small-scale cultivation to large-scale farming, the document also pointed out the importance of attracting foreign land investors and outlined efforts to be undertaken to assure them that the government at all levels would be ready to facilitate and assist them.

There are two investment areas that seem to be particularly suited for foreign investment in the agricultural sector. The first is to develop unutilized vast land with high irrigation possibility. ... The second investment opportunity is to produce high-value agricultural products (e.g. flowers, vegetables) where the scale of operation could be small or medium The country's demand for participation in both areas is immense, and assurances are given that government institutions at all levels will do their level best to facilitate and assist foreign investors...While underlining the importance of encouraging domestic private investment through well-conceived incentives, the focus of attention should be on attracting foreign investors. Historically, efforts made to attract foreign investment are almost exclusively directed towards non-agricultural sectors. This needs to change if Ethiopia is to achieve its agricultural objectives (MOFED, 2003, p.4).

As articulated in this document, from 2001 onwards the position of the Ethiopian government was already very predictable with regard to large-scale land investment and foreign investors. Since then, other policy documents across various sectors have started to emerge in this direction, encouraging foreign investors and preparing both the policy and legal ground for them.

7.3.3. Poverty Reduction Strategy Papers and Programmes

In 2002, the Ethiopian government started to publish poverty reduction papers and programmes. The first one, known as the 'Sustainable Development and Poverty Reduction Program (SDPRP)', clearly mentioned the important role of large-scale commercial farming for the agricultural development of the country.

The government will make every effort to enhance and buttress the contribution private sector (domestic and foreign) will make to agricultural development endeavors. The federal government, in collaboration with regions, will work hard to allocate land for commercial farming, make sure that there are adequate infrastructure facilities, and streamline and make efficient land lease procedures for entrepreneurs who wish to set up large – scale commercial farms. For those who want to rent land from farmers and take part in agricultural activities, the federal government, again in collaboration with the regions, will work out an efficient arrangement, which will safeguard the interests of all parties concerned (MOFED, 2002, p.iii).

The second poverty reduction document, which covered the period 2006-2010, was called the 'Plan for Accelerated and Sustained Development to End Poverty (PASDEP)'. It was published in 2005 and accentuated the commercialization of agriculture and acceleration of private sector development. While it acknowledges the importance of the small-scale cultivation outlined under the previous strategies and policies, it unambiguously stated the strategic shift to large-scale farming led by the private sector.

During the PASDEP period, Ethiopia will build on the development strategies pursued under SDPRP (expanding education, strengthening health service provision, fighting HIV/AIDS, Food Security Program, capacity-building as well as decentralization). It will also continue to pursue on the ADLI strategy, but with important enhancements to capture the private initiative

of farmers and support the shifts to diversification and commercialization of agriculture (MOFED, 2005, p.46).

In order to accelerate the development of the private sector, the document outlined the main areas of intervention by the government to create a fertile ground for the private sector including:

- Continued simplification of business processes and licensing requirements;
- Strengthening of the regulatory framework and establishment of a level playing field with regard to property ownership through judicial strengthening, implementation of free competition policy, and enforcement of contracts;
- Continued reforms to establish land tenure security for investment and trade purposes (MOFED, 2005, p.48).

The current five-year development strategy for the period 2011-2015, known as the 'Growth and Transformation Plan (GTP)', forecast that the agricultural sector would grow at the rate of 14.9% annually and envisaged the doubling of farm output by the year 2015. According to the plan, the country will meet all the MDGs targets by 2015. The plan also predicts that the country will achieve its aspiration of becoming a 'middle income' country by 2028. For all these to happen, the plan puts a greater emphasis on accelerating agricultural growth, particularly private investment in large-scale farms. Within the GTP's five-year period, it is envisaged that 3.3 million ha of land will be transferred to large-scale private investors (MOFED, 2010a).

7.3.4. Legal Framework for Investment

From the discussion in the preceding section, it could be observed that there was a clear policy shift from small-scale farmer to large-scale commercial farming over the last decade in Ethiopia. However, those policies alone would have not been enough to attract investors without concrete legal instruments. In this regard, the Ethiopian government has also been simultaneously laying down conducive legal frameworks for large-scale land investors – particularly foreign ones. The most significant legal instruments in this direction are the ‘Investment Proclamations No. 280/2002’ and the ‘Investment Incentives and Investment Areas Reserved for Domestic Investors Council of Ministers Regulations No.84/2003’.

A close reading of these documents clearly shows a generous disposition towards foreign investors, particularly export-oriented ones. According to Article 11 of the ‘Investment Proclamation’, the capital requirement for a foreign investor ranges from zero (if the investor exports 75% or more of his/her outputs) to \$60,000 (if the investment is made jointly with domestic investors) to \$100,000 (if the foreign investor invests wholly on his/her own). For foreign investors who want to invest in areas of engineering, architectural, accounting and audit services, project studies or business and management consultancy services or publishing, the minimum capital requirement ranges from \$25,000 (if the investment is made jointly with a domestic investor) to \$50,000 (if the foreign investor invests wholly on his/her own). Foreign investors have the right to open and operate foreign currency accounts in authorized local banks in the country and they can make remittances (accruing from their investment) out of Ethiopia in convertible foreign currency (Investment Proclamation,

2002, Article 19:2 and 20:1). Expatriates employed in those enterprises may remit, in convertible foreign currency, salaries and other payment accruing from their employment (Investment Proclamation, 2002, Article 20:2). In addition, both foreign and domestic investors are guaranteed against expropriation or nationalization except as required by the public interest, although what is to be considered as public interest is not defined (Investment Proclamation, 2002, Article 21:1). In case either of these take place, full compensation is payable at the prevailing market value, with foreign investors having the right to be compensated in foreign currency and the right to remit received compensation out of Ethiopia (Investment Proclamation, 2002, Article 21:2, 3).

Under the 'Investment Regulation No. 84/2003', various attractive incentives are enumerated for investors who export a large proportion of their output. Any investment project, domestic or foreign, which is engaged in the agricultural and other sectors and exports at least 50% of its outputs, or supplies 75% of its products/services to an exporter as a production input, shall be eligible for income tax exemption for five years. This income tax exemption could be extended for up to a seven-year period by the Investment Board under special circumstances or for more than seven years upon the decision of the Council of Ministers. However, an investment project, whether it be foreign or domestic, that exports below 50% of its outputs shall be eligible for income tax exemption for a period of only two years. This period could be extended to five years by the Investment Board under special circumstances or, if the investment is made in a relatively underdeveloped region, the investor would be entitled to another one year of income tax exemption (Investment Regulations, 2003, Article 4).

With regard to custom duties, the aforementioned regulation provides for three types of exemptions. The first one is for the importation of duty-free capital goods and construction materials necessary for establishing a new enterprise or for the expansion or upgrading of an already existing enterprise; secondly, an investor is eligible for duty-free importation of spare parts, the value of which is not greater than 15% of the total value of the capital goods imported; and finally, the Regulation also provides for duty-free importation of vehicles, the number of which has to be determined by the investment board depending on the type and nature of the investment (Investment Regulations, 2003, Article 8).

In conclusion of this section, firstly, it is understandable from the above-discussed policy papers, poverty reduction strategies and legal instruments that there has been a clear policy shift in Ethiopia from small-scale to large-scale commercial farming over the last decade. Secondly, unlike the prevailing discourse on land grabbing, which has tended to focus only on the international drivers of the recent wave of large-scale land deals (Cotula *et al.*, 2009; De Schutter, 2011; GRAIN, 2008; McMichael, 2010; Zoomers, 2010), the Ethiopian experience as shown in this section demonstrates that this phenomenon is also made possible by the host government's open door policy toward large-scale land investments.

7.4. Process of Large-Scale Land Acquisitions

The actual process of land acquisition in Ethiopia varies from region to region and sometimes even from investor to investor. It seems that there has been no uniformly standardized process of land investment throughout the country. This might be due to the fact that land administration, as stated earlier in Chapter four, is constitutionally allocated to the regional states and therefore each region has developed its own way of allocating land to investors. However, even in one region like Gambella, different investors have gone through different processes of acquiring their land (Interviews – 1 and 3BSS, 15 and 17 Mar. 2012).⁴² The complication is also compounded by the fact that land investment in general involves various government ministries whose roles sometimes are either overlapping or unclear when it comes to actual processes involved in providing land to investors.

As stated earlier, to provide a uniform land investment process, a specific unit called the AISD was created in January 2009 under the MOARD. According to Proclamation 29/2001, which created this particular unit, the unit is charged with processing all land investments from 5,000 ha and above in all regions of the country. Among others, the unit is also responsible for creating a conducive and attractive environment for land investors; providing the necessary technical and administrative support to investors; and formulating policies, strategies, rules and regulations that can accelerate the investment process and make it more efficient (Proclamation 29/2001).

⁴² Interview – 3BSS: Is a senior staff for a foreign large-scale commercial farm in Gambella.

Whereas the AISD has been now charged with all agricultural investment of over 5,000 ha, the regional governments, in theory, still have the mandate to process any land investment that is below 5,000 ha. However, in practice, in Gambella regional state for example, the regional investment authority officials – including some of the regional cabinet members – stated during my field research that since the creation of the AISD anything that has do with land investment has now been transferred to federal government (Interviews – 3 and 4GOV, 21 Mar. 2012).⁴³

This being said, with the establishment of the AISD, there seems to have emerged a uniform pattern of land investment throughout the country. Whether at the federal or regional state levels, land investment at the moment involves three major phases. The first phase is the attainment of an investment certificate, followed by the second phase of signing a land use agreement, and then the final phase of land acquisition.

7.4.1. Investment Certificate

In theory, attainment of an investment certificate appears to be an easy process, which can be accomplished in a short period of time. In order to obtain an investment certificate, a potential investor has to complete a short application form in which he/she describes the nature of the project, preferred region of investment, estimated capital investment, hectares of land required, estimated number of employees, raw material requirement, estimated annual production, destination market for production, utility requirements, and implementation schedule. After an application is

⁴³ Interview – 3GOV: Is a senior expert at the Gambella Investment Agency (GIA) responsible for large-scale agricultural investment related issues.

submitted, the investment authority will check if it is filled out correctly. If everything is fine, then the authority is expected to issue an investment certificate within four hours, after a fee of 600 birr (about \$35) is paid. One of the senior staff of a foreign investor interviewed for this research expressed his satisfaction with regard to this first phase of acquiring an investment certificate (i.e. Interview – 3BSS, 17 Mar. 2012). Another investor stated that he even received his certificate within less than four hours (Interview – 4BSS, 18 Mar. 2012).⁴⁴

7.4.2. Land Lease Agreement

The second phase, ‘signing land use agreement’ between the investor and the concerned federal or regional government body, is also a relatively short process. As stated earlier, for investors seeking more than 5,000 ha, the agreement is negotiated with the AISD at the federal level. Otherwise, any land lease agreement below 5,000 ha, can, in theory, be processed at regional state level. The land rent agreements vary from region to region but, in general, are short documents of between eight to fifteen pages (MOARD, 2012). The content of those land deals will be thoroughly analyzed later in this chapter.

⁴⁴ Interview – 4BSS: Is a managing director for a foreign large-scale commercial farm in the Gambella region.

7.4.3. Land Acquisition

The third phase of 'land acquisition' is very different from region to region and from investor to investor. Some investors stated that they first identified the land with concerned *woreda* officials and then went to the federal government to carry out the required legal procedure of acquiring land (e.g. Interview – 7BSS, 02 Apr. 2012).⁴⁵ In Gambella regional state, this seems to be the dominant procedure for domestic investors who acquired land before the creation of the AISD. However, after the AISD was formed, the process of acquiring land seems to have changed dramatically with agreements signed in Addis Ababa and then *woreda* government officials only receiving orders to give land to investors who come to their *woreda* with valid official agreements. In other words, the *woreda* government is restricted to handing out lands to investors without any active participation in the negotiation process. This will be discussed in detail later in this chapter under the sub-topic 'local participation in LSLA'. However, first I shall discuss the role of different relevant ministries/departments in the process of LSLAs in the Gambella region.

7.5. Inter-Ministerial Coordination and Frictions

Since land investment touches upon various issues mandated to different ministries, its process would have required strong coordination between all the relevant ministries. However, my evidences suggest that inter-ministerial coordination is extremely weak when it exists and in most cases it does not exist at all. In the

⁴⁵ This interviewee is an administrator for a domestic owned large-scale commercial farm in the Gambella region.

Gambella region, the regional investment agency and the federal body (i.e. AISD) seem to have taken complete control of land investment, regardless of its implications for other agencies and concerned stakeholders.

One of the foremost stakeholders in this regard is the Environmental Protection Authority (EPA). In theory, all development programmes, be they land investment or any other development projects that will have an impact on the environment, are required to obtain authorization from the federal or regional EPA before they are implemented (Environmental Impact Assessment (EIA) Proclamation, 299/2002). According to Article 7 of this Proclamation, project initiators – government or private – are required “to undertake an EIA of his project by approved experts and to fulfil the terms and conditions of authorization during implementation of the project.” However, none of the investors in the Gambella regional state interviewed for this research have obtained authorization from any EPA or carried out an EIA.

In fact, this is not only a problem in Gambella regional state. Even in other regions investment certificates are issued and land rent agreements are signed before any EIAs are conducted. According to Mr. Solomon Kebede, head of the EIA service, the federal government’s desire to attract Foreign Direct Investment (FDI) and set up a one-stop shop for land investment has resulted in attention not being paid to EIA, which is seen as a bureaucratic hurdle in the way of the desperately needed investments. He said that, “although politicians and investors talk about EIA, there is actually no political will to implement it and it is not a compulsory requirement for concluding a land investment deal” (Solomon cited in Mulugeta, 2009, p.11).

In the Gambella region, the conflict between the EPA and the investment agency seems to be even more dramatic. As a matter of institutional mandate, while the regional EPA is mandated to look after 'protected forests' among others, the regional investment agency is mandated to facilitate large-scale land investments in the region. In such case, one would expect greater coordination between these two agencies to make sure that a forest with 'protected' status under the care of EPA is not given away to an investor by the investment agency. However, both in theory and in practice, there is no mechanism created to facilitate such coordination and to avoid conflicts. According to a former Director of the regional EPA:

In the beginning when the region started to receive applications for land investment, although there was no written working procedure between the investment agency and our office [EPA], the investment agency used to informally consult us on specific cases where they think we should be consulted. In some cases we also proactively contact them when we hear of investors approaching protected forests. Both agencies used to have informal smooth working relationship. However, things changed with the coming of the foreign investors and domestic investors who get their license from Addis Ababa and come to Gambella only to get the land. These investors are politically powerful and they can indirectly remove any regional official who stands in their own way. This is how I lost my position as a director of EPA. Once, one investor wanted to take part of a protected forest under our care. The investment agency informed them that the area is a protected forest and therefore not open for investment. They directly contacted the Ministry of Federal Affairs, a political ministry that has nothing to do with land investment. The Ministry, in turn, contacted the regional council, again the regional political body that has nothing to do with land investment. Then the regional council ordered the investment agency to immediately give the land to the investor. The investment agency officially informed us about the order from the regional council. Then I officially wrote to the regional council with a copy to the investment agency that the land in question is a protected area and therefore not open for investment. I mentioned that the investment agency should

look for another option. The reply I got from the regional council is a letter of dismissal from my position as director of EPA (Interview – 7GOV, 23 Mar. 2012).

I tried to obtain access to communications between these agencies to confirm the authenticity of this story but I was unable to. However, there are numerous similar stories across different sectors and levels of government in which specific officials have been dismissed from their positions for demanding more consultations and transparency on large-scale land investment deals or just simply for defending the mandate of their agency against some large-scale land investment projects.

Another concerned government body with regard to large-scale land deals in the Gambella region is the Gambella National Park Authority. Gambella National Park is located in the heart of the region and covers a territory of 5,061 square kilometres.⁴⁶ Since its designation as a national park, almost no work had been carried out to practically demarcate its boundaries. However, in 2005, the Gambella National Park Authority, in collaboration with the Federal Wildlife Conservation Authority and the Horn of Africa Regional Environment Centre and Network (HoA-REC), carried out a high-level survey to estimate the amount of wildlife in the National Park and then to start the process of actual protection of the Park. This project was supported by the governments of The Netherlands and Germany. Its aim was to establish a Peace Park between South Sudan and Ethiopia so that animals could move freely between these two countries. According to one respondent, who used to be the Director of the Gambella National Park Authority, even though they had strong support from all the

⁴⁶ The park was established primarily to protect two species of endangered wetland antelopes namely the white-eared kob and the Nile lechwe. In addition to these species, the park is also home to elephants, lions, African buffalo, kudu, roan antelope, hartebeest, lele, guereza monkey and olive baboon. Several birds reported to be only found in this area, according to the park authority, include the long-tailed paradise whydah, shoebill stork, and red-throated and green bee-eaters.

government branches when the project was launched, things changed dramatically with the coming of large-scale land investors (Interview – 6GOV, 21 Mar. 2012). He stated that:

Since 2007/2008 large-scale investors started to encroach into the heart of the park taking the land close to the water sources therefore blocking the wildlife from accessing water. Not only the wildlife are blocked but also the communities in those areas with whom we were working together to develop a community based park protection system were also blocked from accessing water by those investments (Interview – 6GOV, 21 Mar. 2012).

According to this respondent, he tried to persuade both the regional government and the investment agency to work out a mutual solution in which agricultural developments could be carried out and wildlife in the Park could be protected at the same time. He was informed several times that no further investors would be given land in the area that is designated as a National Park area. But the regional government does not prevent a large number of investors coming from Addis Ababa who have acquired all the necessary paper work from the AISD to be given land in the region. Hence, every time another investor comes from the federal government, the regional government gives another piece of land from the area that was originally part of the National Park. As this interviewee kept complaining about the continued encroachment of investors, he received a letter of transfer to be the head of another agency in the region (Interview – 6GOV, 21 Mar. 2012).

While the conflicts between the Investment Agency, the EPA and the National Park Authority are the most dramatic ones, other bodies too complain about their mandates being undermined by large-scale land investment projects. The regional

Ministry of Water Development is one of the government's ministries that have been complaining about the lack of inter-ministerial consultation and coordination in the process of land investment projects in the region. According to a senior official within this ministry, although it is well known that these projects will have an enormous impact on the mandate of their ministry, they are deliberately sidelined in the process in order to make land investments fast and easy for investors (Interview – 5GOV, 21 Mar. 2012). What concerns this official most is not only the lack of consultation with their ministry but the lack of any provision in those land deals that obliges investors to manage water resources in accordance with the relevant policies and ensure access for local populations. According to the land lease agreements analyzed for this research (MOARD, 2012), the investors could use the water resources without any limit including situating dams which would deny access to downstream users not only in Ethiopia but also in South Sudan, to where all the rivers in Gambella regional state flow.

7.6. Community Consultation/Participation in LSLA

Both the critics and supporters of LSLA agree on the fundamental necessity for community consultation in the process of land investments. Among the World Bank's seven 'Principles for Responsible Agricultural Investment', one of them (Principle 4) is about consultation with those materially affected by land investment. The principle states that "All those materially affected are consulted, and agreements from consultations are recorded and enforced" (World Bank, 2011, p.xxvii).

According to the secondary data I have looked at, in Mozambique for example, at least on a theoretical basis, community consultation and hearing is a mandatory part of the process of large-scale land acquisition (Saloma and Nhantumbo, 2009). In Tanzania, the steps for land acquisition begin with the Tanzanian Investment Centre (TIC), where investors are required to demonstrate financial viability of the proposed project. From there it goes to district level, then from district level it goes down to village level where the concerned village through the 'Village Assembly' (comprising all adults residents of a village) has to finally approve the land transfer (Sulle and Nelson, 2009). Regardless of whatever limitations might exist in the implementation, in these two countries at least community consultation is legally entrenched and is a mandatory requirement without which land lease agreements could not be signed (Cotula *et al.*, 2009).

7.6.1. Community Consultation/Participation in Theory

In the Ethiopian case, community consultation is not part of the formal process of land acquisition. As discussed earlier, the process of land acquisition involves only the federal government – where land investment certificates are obtained and land lease agreements are signed – and the regional state government – where land is physically acquired by the investors. Leave alone community consultation, which is supposed to take place at the village level, even the other lower government structures such as the zonal and *woreda* governments are not included in the formal process of land acquisition. This means that land investment in the Gambella region, in theory, is only the business of the federal and regional state governments. The

zonal government – the body below the regional government; the *woreda* government – the next level below the zonal; and the *kebele* council – the lowest unit, are all excluded from the formal processes of LSLAs. In other words, in theory, all the government structures below the regional state level do not have any power to influence the process of land investments or negotiate land deals in accordance with their specific circumstances.

7.6.2. Community Participation in Practice

Although community participation has not ever been part of the formal large-scale land acquisition processes, in practice different *woredas* have implemented varying degrees of community participation at different periods. For the sake of analysis, I have identified three different levels of *de facto* community participation at different phases of large-scale land acquisitions, which I am going to discuss as follows.

A. Phase One: Strong *de facto* Community Participation

Between 2000 and 2006, when most of the investors were local investors acquiring limited amount of land – i.e. below 5000 ha – the involvement of the communities through *woreda* administration seemed to be very strong. During those years, according to the interviews I have conducted, in fact, the real negotiation used to take place between the investors and the relevant *woreda* cabinets (Interview – 11GOV, 28 Mar. 2012). It is to be noted here that *woreda* cabinets are representatives of different villages/communities. After identifying the land and

reaching a consensus, the investor and the *woreda* officials only come to the regional state government to carry out formal paper-work and signing of the land lease agreement (Interview – 11GOV, 28 Mar. 2012).

In general, according to *woreda* officials interviewed, during this period, the *woreda* government used to be the strongest stakeholder in matters relating to land investments (Interviews – 11 and 13GOV, 28 Mar. and 03 Apr., 2012). That is why, during this period, there was no single incident of displacement of local communities since any investments that would encroach into communal lands would be resisted by the *woreda* cabinet. Hence, although community participation was not formally instituted in land investment processes at this time, there seems to have been strong community involvement through their direct elected officials in the *woreda* government.

B. Phase Two: Weak *de facto* Community Participation

From 2007 to 2008, when large-scale foreign investors began to come to the Gambella region, the role of the *woreda* governments became very limited. The regional government took greater control over large-scale land acquisition processes in terms of negotiating and concluding land lease deals. However, during this period, respective *woreda* officials remained co-signatories of any land lease agreement between the regional state government and investors.

According to some *woreda* officials, even though the role of the regional government became stronger during this period, there was still room for informal consultation and

understanding between the regional government and the relevant *woreda* officials (Interviews – 11 and 13GOV, 28 Mar. and 03 Apr., 2012). One of these *woreda* officials who used to be a *woreda* administrator told me a story that demonstrates the existence of informal consultation and understanding between the *woreda* and regional governments during this period. He stated that when he was a *woreda* administrator, one investor wanted to take a piece of land that is used by one community in his *woreda*. When the regional government invited him to the regional capital to co-sign that particular land lease agreement, he said he refused to do so, citing the concern of the community. He then explained the whole situation to the regional government and promised to give another area to the investor. According to him, the regional government accepted his concerns and the investor was given another place which was not his first choice (Interview – 11GOV, 28 Mar. 2012).

During this period, one of the former regional state executives (Interview – 8GOV, 23 Mar. 2012) stated that they too used to refuse land investments that they perceived as environmentally destructive. He said that when he was in power, Sheik Mohamed Al Amoudi, owner of Saudi Star Plc, approached the regional government for the Majang forest in order to turn it into a tea plantation. According to the interviewee, despite immense pressure from the federal government, the regional government of Gambella refused the project on the ground of its environmental implications for the region and the impact it would have had on the indigenous Majang communities who live in that forest (Interview – 8GOV, 23 Mar. 2012).

Therefore, although during this period the role of local communities and *woreda* governments became very limited in matters of large-scale land investments, there

were still informal consultations and understandings between relevant *woreda* officials and the regional government. Moreover, the regional government also seems to have taken into account advice from *woreda* officials and sided with concerned local communities in cases of conflict of interests between investors and local communities.

C. Phase Three: No Community Participation

After the centralization of large-scale land investment processes – i.e. after the creation of the AISD in January 2009 – things seem to have dramatically changed with regard to local consultation and participation. Although in principle regional states retain the power to negotiate land leases that are below 5,000 ha, in practice, at least in Gambella, all the land transaction processes have been transferred to the federal government, according to an interview given by the regional president to the Voice of America (VOA) radio Amharic programme (Omot, interview with VOA, 4 Jun. 2011). In 2010, the regional government wrote a circular letter to all *woredas*, instructing them not to engage in any discussions with potential investors since all the powers had been transferred to the federal government (Interviews – 11 and 12GOV, 28 Mar. 2010).

Hence, since the centralization of large-scale land acquisitions, both the *woreda* and regional government have been completely excluded from the negotiation processes of large-scale land deals. The only role they can play is to formally hand over the land to large-scale investors after all the paper work is completed in Addis Ababa. Since at the moment 1.2 million ha of land from the Gambella region is supposedly

reserved in the federal land bank for large-scale investors, the federal government can lease any amount from this reserve without the need for any further consultation with regional or local governments (Interview – 12GOV, 28 Mar. 2012).

There are, however, two problems with regard to this 1.2m ha that is claimed to be reserved in the federal land bank. The first problem is related to the way in which these hectares are transferred to the federal land bank to be administered and marketed by the federal government. Some members of the regional cabinet interviewed stated that the issue of land administration power transfer had not been discussed in the regional cabinet (Interviews – 4, 5 and 6GOV, 21 Mar. 2012). They only learned about it – like everyone else – from the late Prime Minister Meles when he stated in one of his interviews that Gambella and Benishangul-Gumuz regional states had transferred their land administration power to the federal government (Meles, Interview with Ethiopiafirst, 19 Nov. 2009). Even after the statement from the Prime Minister, the issue of power transfer was not discussed in the regional cabinet, according to those members of the regional cabinet interviewed. The next time they heard about this issue was when the regional governor stated in one of his interviews that the regional government had delegated its land administration power to the federal government (Omot, Interview with VOA, 4 Jun 2011). Hence, the issue of power transfer seems to be only discussed between the federal government and the governor of the Gambella regional state without deliberation from either the regional cabinet or the regional legislative council (Interviews – 4, 5 and 6GOV, 21 Mar. 2012).

The second problem with this 1.2million ha of land is that it is not actually demarcated on the ground. At the federal government level, they claim that there is 1.2million ha of land available for investment in the Gambella regional state. At the Gambella regional state level, this figure is broken down according to different *woredas* in the region. However, at the *woreda* level, when I asked the *woreda* officials about which exact location is reserved to be administered by the federal government, none of them were able to show me any location.

The actual practice of land allocation so far is that when the regional government receives an investor from the federal government who has carried out all the paper work, the regional government will send him/her to one *woreda* to be given the amount of land indicated in the agreement. At the *woreda* government level, after receiving all the required documents from an investor, since there is no such demarcated land waiting for investment, they select three people from the *woreda* cabinet to identify a suitable parcel of land based on the size of land and type of crop that the investor plans to grow. According to those agreements signed by the federal government, the *woreda* governments have to hand over land within 30 days of receipt of application. Since any delay in handing over land to the investors will have harsh consequences, *woreda* officials are put under extreme pressure to sometimes give investors lands that are inhabited or used by local communities.

At the community level, in nine *kebeles* that I visited for this study, according to all of my FGDs participants, no consultation had been carried out with the *kebele* councils during this period, let alone consultation with ordinary villagers. No prior information had been given to *kebele* councils concerning land investment in their communal

lands. For instance, part of the land given to Karuturi belongs to Ilea *kebele*. When I asked one of the members of the Ilea *kebele* council if they were consulted about the land deal, he said that they only learned about it when they saw the bulldozers clearing the trees (FGD – 8 – P1, 10 Apr. 2012). When the *kebele* representatives asked one of the bulldozer operators why they were cutting down the trees, he replied that he is just an employee of ‘Karuturi’ and they should ask them. That was the first time the Ilea villagers heard the name ‘Karuturi’, the company that had already signed a 300,000 ha land lease agreement. Then the *kebele* council went to *woreda* level and the *woreda* said that they too do not know about the land deal and that the council members should ask the regional state government about it. The *kebele* council members went to the regional state council three times to enquire about the destruction of their communal forest and the answer they received from the state is that the land does not belong to them; it belongs to the government (FGD – 8, 10 Apr. 2012). The only consultation that many villages had with their respective *woreda* governments was about the ‘villagization’ programme, which will be discussed in depth later.

Therefore, according to my personal observation and discussions with all levels of government and communities, there seems to be an absolute lack of community participation in the process of contemporary large-scale land acquisitions taking place in the Gambella region. Although there had been strong informal community participation prior to the centralization of large-scale land investment process, the centralization of the process has removed all the informal consultative channels and restricted all the lower government structures (i.e. the regional state, zone, *woreda*, and *kebele*) merely to implementing bodies of the decisions of the federal

government. As a result, this seems to have profoundly tilted the balance of power in favour of the federal government whose policies and decisions now have to be strictly followed not only by the regional government but also by the *kebele* councils.

7.7. Contents of Land Lease Agreements

The contents of the land lease agreements vary, depending on each regional state and whether the deal is negotiated at the regional or federal level. At the federal level, as already stated, the AISD has developed a uniform system for all large-scale land investors that seek more than 5,000 ha of land. Due to the high number of investors that have signed land lease agreements in different regions, it was beyond the scope of this research to access and analyze all the land lease agreements. However, 24 land lease agreements from federal to regional state levels have been viewed and analyzed for this research.

7.7.1. Parties to Agreement

Land lease agreements in general involve two parties. All of the lease agreements analyzed for this research begin with a title that involves, on one side, the land acquirer – i.e. an investor, foreign or domestic – and on the other side, the land provider – the Ethiopian government, federal or regional. Although foreign investors might have the backing of their countries of origin, there is no foreign government that has directly signed a land lease agreement with the Ethiopian government.

Hence, despite the prevailing discourse in the media about foreign countries grabbing land in developing countries, evidence in Ethiopia does not show direct involvement of foreign governments in large-scale land investment. All the land lease agreements obtained for this research only involve the private investors and the Ethiopian government. Since land is state property in Ethiopia, it is not surprising that there is no deal signed between two private entities. At the federal government level, it is the Ministry of Agriculture and Rural Development that is responsible for signing land lease agreements. However, at the regional state level, it varies from region to region. For instance, in Gambella and Oromia regional states, land lease agreements are signed by the Investment Agency/Commission rather than by the regional MOARD. However, in Amhara region, land lease agreements are jointly signed by the regional Environmental Protection Authority and the Land Administration and Use Authority (Imeru, 2010).

7.7.2. Land Size

Following the names of the parties to the agreement at the top of the lease agreements and an introductory note about the parties involved, land lease agreements specify the size of the land made available to the investor, the location (Region, Zone, *Woreda* and *Kebele*) of the land, and the purpose for which the investor has acquired the land (See Appendix – 1). Until recently, there has been no limit on the amount of land that an investor can acquire and the purpose for which the land is to be used. With the enactment of the guideline called ‘Directives for Implementation of Rental Fees for Agricultural Land Investment’ in 2009, the MOARD has outlined some restrictions with regard to land size that could be

transferred to a single investor and a standardized amount of rental fees (MOARD, 2009a). According to this document, the maximum size of land that an investor can ask for depends on the type of crop that they plan to grow. The largest area (maximum 50,000ha) is given for investors who plan to grow biofuel plants, including palm oil trees. This is followed by oil crop investors or agro industry crops such as sugar cane and cotton investors who can rent a maximum land size of 20,000ha. The smallest area (maximum 5,000 ha) is given to those who would like to grow coffee and tea. However, in practice, this regulation seems to be ignored not only by the regional states, but also by the MOARD itself, the author of the regulation. As we can see in the following selected land lease agreements signed between the MOARD and various investors after the publication of this directive, the Ministry has clearly violated its own rules.

Table 3: Land lease agreements beyond the official threshold limit

Investor	Crops	Maximum land size according to the guidelines	Actual land size leased to the investor	Location	Date of the agreement
Karuturi Global PLC	Rice, Palm oil	50,000	100,000	Gambella	25/10/2010
BHO Bio Products PLC	Edible oil crops, cereal crops, pulses	20,000	27,000	Gambella	11/05/2010
Hunan Dafengyuan agriculture Co., Ltd.	Sugar cane	20,000	25,000	Gambella	25/11/2010
Ruchi Agri PLC	Soya beans	20,000	25,000	Gambella	05/04/2010

Source: Ministry of Agriculture and Rural Development (MOARD) (2012)

7.7.3. Land Lease Period

Land lease periods vary greatly among regions and also within regions between irrigated lands and rain-fed lands. At the federal level, the majority of leases are signed for 25 years. For more capital-intensive crops such as sugar and agro-fuels the lease period could be as long as 45 years. At the regional level, lease periods range from 20 years minimum to 99 years maximum. In Gambella regional state for example land leases are between 35 years and 99 years. The federal government is working with the regional governments at the moment to renegotiate any land lease that goes beyond its maximum lease period, which is 45 years (Interview – 3GOV, 21 Mar. 2012). In Oromia, land lease lengths are between 20 and 45 years. However, as in the case of land size discussed above, the federal government itself has also signed some agreements that violate its official lease period limit. For example on 1st March 2010, MOARD has signed a 50-year land lease deal with Shmpori, an Indian company, to grow biofuel plants in Benishangul-Gumuz regional state (MOARD, 2012).

7.7.4. Land Lease Fees

Like land lease sizes and periods, land lease fees also vary across different regions and investors. The federal government explains this variation on the basis of location of the land in question, access to markets, transport, communication, banking, and availability of other services. Lands that are closer to Addis Ababa and other urban centres with adequate roads and other basic services have high lease value. This is also true with lands that are close to water sources (river, dam, etc). According to

land deals analysed for this study, the maximum and minimum annual lease fees could be summarized as in the following table.

Table 4: Land Rent Rate in Selected Regions (*ETB/ha/year*)

Region	Minimum Rent	Maximum rent
Amhara	14 (\$0.9)	79 (\$5.2)
Benishangul-Gumuz	15 (\$1)	25 (\$1.6)
Gambella	20 (\$1.3)	30 (\$2)
Oromia	70 (\$4.6)	135 (\$9)
SNNPRS	30 (\$2)	117 (\$7.8)
Tigray	30 (\$2)	40 (\$2.6)

Source: Dessalegn (2011, p.15)

The Ethiopian land lease rate is criticized for being incredibly low. According to Ghosh, an Indian economist, the value of lands that Indian companies are taking in Ethiopia at a rate of \$2 per hectare per year, could be between \$340-350 per hectare per year in India (Ghosh, Interview with NewsClick, 13 Sept. 2011). Because of their incredibly low rental rate, some have called the land deals in Ethiopia ‘the deal of the century’ (The Guardian, 21 Mar. 2011). Since the fees are set in Ethiopian *Birr* in those land deals, those rates remain the same despite the high inflation in the country and the continued depreciation of the *Birr* against every major currency around the world. However, in the document mentioned earlier – i.e. ‘Directives for Implementation of Rental Fees for Agricultural Investment’ – the MoRAD has proposed increments of land rental fees to be implemented by respective government bodies. This new document establishes a maximum of 2,660 Birr (\$177) per hectare per year for irrigated land and 2,541 Birr (\$169) per hectare per year for

rain-fed land. For lands located more than 100 km from Addis Ababa the value would start to gradually decrease based on distance from Addis Ababa. In this document, the minimum value is set to be 158 Birr (\$10) per hectare per year for irrigated land and 111 Birr (\$7) per hectare per year for rain-fed land for lands that are located more than 700 km from Addis Ababa such as Gambella. In practice, however, the Gambella region has not yet amended its land rental rates according to this federal directive (Interview – 3GOV, 21 Mar. 2012).

7.7.5. Rights and Obligations of the Lessee and the Lessor

The major part of those land lease agreements are devoted to the ‘Rights and Obligations’ of both the lessee – i.e. investor – and the lessor – i.e. the government. Here, I can only refer to some of the most important and relevant rights and obligations enumerated in those agreements. Under the ‘rights of the lessee’, some include:

- To develop and cultivate the land upon signing the land lease agreements and receiving all the clearances from respective government agencies;
- To build infrastructure such as dams, irrigation system, water boreholes, roads, power houses, bridges, residential buildings, offices, and other social service facilities; and
- To get additional land based on the performance and production on the lands already received (MOARD and Karuturi Agro Products Plc, 2010, pp.2-3).

Having being endowed with those rights and others, the investors are, on the other hand, obliged to provide good care and conservation of the leased land and natural resources. In this regard, specific obligations are directed towards the conservation

of tree plantations, prevention of soil erosion, and carrying out of environmental impact assessment (EIA). Other obligations focus on the need for the investor to start work as soon as possible (within six months of signing the land lease agreement) and the detail of what percentage of the land they are expected to put into use in the consecutive years.

The lessor – i.e. the government – is given the following rights under those land lease agreements:

- To monitor and establish the fact that the lessee is discharging and accomplishing its obligations diligently;
- To restore lands that is not developed by the investors within the expected year of development;
- To terminate the land lease agreement upon justified good cause; and
- To amend the land rent (MOARD and Karuturi Agro Products Plc, 2010, p.4).

Under 'obligation of lessor', according to those land lease agreements, the government is obliged:

- To deliver and hand over the vacant possession of leased land free of impediments to the lessee within thirty days of the down payment being effected;
- To provide special investment privileges such as exemption from taxation and import duties of capital goods and repatriation of capital and profits; and
- To provide adequate security, free of cost, against any riot, disturbances or any other turbulent time, to enable the investors to carry out their entire activities in the said premises (MOARD and Karuturi Agro Products Plc, 2010, p.5).

Based on the above provisions in the land lease agreements, different conclusions could be drawn. However, for the sake of space, I will focus on discussing what I see as some of the major gaps inherent in those land lease agreements, as follows.

7.8. Major Gaps in Land Lease Agreements

There could be several limitations to these land deals when analyzed from different perspectives, but the key ones for my purposes are: (1) lack of recognition and respect for existing land rights, (2) unregulated use of water resources, (3) voluntary environmental impact assessment and (4) weak monitoring, evaluation and enforcement mechanisms.

7.8.1. Lack of Recognition and Respect for Existing Land Rights

As already discussed in this chapter, the formal process of large-scale land acquisitions in Ethiopia does not require community participation. According to Vermeulen and Cotula (2010), countries that do not include community consultation as a requirement for land lease deals do not tend to recognize and respect existing land rights. Lack of consultation with local communities in itself is an indication that governments do not recognize them as the legitimate owners of the land they inhabit. This is one of the most important areas of concern not only for the critics of large-scale land investment but also for its supporters. The World Bank, one of the leading advocates of large-scale land investments, argues that “to maximize benefits and ensure they are broadly shared, institutional arrangements must include

recognition and respect for existing land rights” (World Bank, 2011, p.91). Principles that are emerging at the international level to regulate large-scale land investments give due attention to recognition and respect for existing land rights of the land users. One of the ‘Principles for Responsible Agricultural Investment’ is about ‘Respecting land and Resource Rights’. This principle, according to its authors (FAO, IFAD, UNCTAD, World Bank) simply means that:

Existing use or ownership rights to land, whether statutory or customary, primary or secondary, formal or informal, group or individual, should be respected. This requires: (i) the identification of all rights holders; (ii) legal recognition of all rights and uses, together with options for their demarcation and registration or recording; (iii) negotiation with land holders/users, based on informed and free choice, in order to identify the types of rights to be transferred and modalities for doing so; (iv) fair and prompt payment for all acquired rights; and (iv) independent avenues for resolving disputes or grievances. While a countrywide systematic identification and registration of rights is desirable in the long run, countries with limited resources may do well to initially focus efforts on areas with high agro-ecological and infrastructure potential and expand from there (FAO, IFAD, UNCTAD, World Bank, 2010, p.2).

Although Ethiopia has started a land registration and certification programme in other parts of the country, this programme has not been started yet in the regions where the majority of land investments is taking place, such as the Gambella and Benishangul-Gumuz regional states.

Another related important principle is the principle of Free, Prior and Informed Consent (FPIC). This principle is derived from Article 32 of the UN Declaration on the Rights of Indigenous Peoples. The fundamental idea behind this principle is that indigenous peoples have the right to give or withhold their consent to any proposed

development project that may affect the lands they customarily own. In other words, states and non-state actors who want to use the customary lands belonging to indigenous communities must enter into non-coercive negotiation with them. The principle stresses that indigenous communities have the right to make decisions according to their traditional decision-making system (Anderson, 2011).

Although FPIC in its original sense emerged as a principle to protect indigenous peoples, over the years, the scope of its application has been spreading to all other local landholders and resource users. This can be seen to be true from the fact that many countries (e.g. the Philippines and Australia) and companies (e.g. APRIL, Pulp and Paper Company) are at the moment incorporating the principle of FPIC into their national or sub-national legislations (Wilson, 2009). Although the FPIC principle is not that well known among many African policy makers and civil societies, few countries have nonetheless enacted policies requiring consultation with local and affected communities as part of the land investment process. According to Vermeulen and Cotula:

Ghana, Mozambique and Tanzania, for example, require that all land transfers must be approved by the communities or customary leaders that have rights over the land in question, with further requirements for protection of access rights, fair compensation and opportunities for review of the agreements (Vermeulen and Cotula, 2010, p.907).

In the Ethiopian case, it is already stated that the formal processes of large-scale land deals do not require consultation with the local communities. This is due to the fact that the government describes those lands they are leasing out to investors as

unused and nobody's lands, as described by Mr. Metasebia Tadesse, Minister Counselor at the Ethiopian embassy in India, that:

Most Ethiopians live on highlands; what we are giving on lease is low, barren land. Foreign farmers have to dig meters into the ground to get water. Local farmers don't have the technology to do that. This is completely uninhabited land. There is no evacuation or dislocation of people (Anupama and Vidya, 2011, p.1).

The late Prime Minister Meles Zenawi also mentioned the same line of argument several times when asked why his government is leasing out huge lands to foreign investors. In one of his responses to this question, already quoted at beginning of this thesis, he stated:

Our policy is that in the lowland areas where we have abundant and unutilized land we would lease that to private sector. In the highland and where there is land shortage we would allow the farmers to retain indefinite use rights (Meles, World Economic Forum on Africa, May 2010)

Hence, based on this policy that describes lowland regions, such as the Gambella, as places with abundant and unutilized lands, large-scale land investments here do not take into account and respect existing land rights. Even under circumstances where villagers were displaced, which will be discussed later in Chapter nine, they did not receive compensation since they were not considered as rightful owners of those lands. This is in stark contrast to the Ethiopian constitution which gives strong recognition to customary land rights as stated in Article 40:5 that, "Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not be displaced from their own lands."

7.8.2. Unregulated Use of Water Resources

One of the critical areas of concern in relation to large-scale land investments is their impacts on water resources. As one report indicated, “large-scale land deals are not just about land grabbing. They are taking land where there is water available, so it is also water-grabbing” (OI, 2011a, p.37). The availability of water in a particular area is one of the important factors by which investors determine which land to acquire since in most cases control over the land also means that river water can be diverted or groundwater can be extracted to irrigate farms (Bues, 2011). The way in which large-scale farming is carried out may also result in water pollution or contamination with agrochemicals, as biofuel production often demands the use of a large amount of water as well as the clearing of trees from vast tracts of land, disturbing the water cycle and both the quality and the availability of water resources (Smaller and Mann, 2009). In times when water is becoming an increasingly scarce resource, such practices related to land investments can severely undermine the capacity of local communities to access water in particular or to produce food in general (Höring, 2011).

To minimize such adverse effects of land investments on local communities, experts and specialized international organizations, including supporters of large-scale land investments, are calling upon host states to include in their land deals clear mechanisms for regulating water resources and ensuring access for local communities (World Bank, 2005). In Mali, for example, as a way of regulating and controlling water use, land lease agreements contain binding provisions that require investors to pay an extra annual water fee for the amount of water they use on their farms. Failure to pay such water fees could lead to termination of the land lease

agreement. According to the Oakland Institute, the idea behind these provisions is to reduce water wastage and force investors to act more responsibly in the ways in which they use water resources (OI, 2011b).

However, in many developing countries, the extraction and use of water by large-scale land investors is not adequately regulated to safeguard access for local communities or to protect their water resources from contamination or pollution. In cases where regulations exist, enforcement mechanisms or institutions are either not in place or are too weak to perform their duties (Höring, 2011).

In the Ethiopian case, although there is federal legislation in place which requires appropriate use of water resources and protection mechanisms, such as water conservation, prohibition of waste discharges and the retention of riparian vegetation along stream banks (Water Resource Proclamation Regulation, 2005), the implementation of these laws remains extremely ineffective (Bues, 2011). In fact, as briefly discussed in the previous section, the Ministry of Water Resources Development, the responsibly body for overseeing the implementation of these laws, at least in Gambella regional state, is not consulted at all in the process of land investments in the region (Interview – 5GOV, 21 Mar. 2012).

On the contrary, land lease agreements analyzed for this study allow investors to use the water resources almost without control and at their will without any safeguards for local communities or the downstream users. For instance, in all the lease agreements obtained, there is a clause that states:

The investor is free to build infrastructure such as dams, water boreholes, power houses, irrigation system, roads, bridges...at the discretion of lessee upon consultation and submission of permit request with concerned offices subject to the type and size of the investment project whenever it deems so appropriate (MOARD and Karuturi Agro Products Plc, 2010).

Although it is stated that investors have to submit permit requests in order to construct dams or water boreholes, it is not specified to which government agency the request has to be submitted or the criteria upon which such permits are to be authorized. Most importantly, the practice so far is that investors use the available water resources in whatever way they want, including limiting local access – as already seen in the Pokedi and Illea villages in Gambella where Saudi Star and Karuturi displaced and blocked some local communities from accessing water resources (FGD – 8, 10 Apr. 2012). Saudi Star has clearly stated that water will be their biggest asset and that they are already in the process of constructing 30km of cement-lined canals and another dam (in addition to the one they are currently using) on the Alwero river to ensure that there is adequate water for rice production on their 139,000 ha land in the Gambella region (OI, 2011a).

In conclusion, ambiguous/incomplete provisions and the absence of clear safeguards and regulations about the use of water resources is one of the major gaps in those land lease agreements, which might have a great impact not only on the immediate communities, but also for the downstream users in other countries such as South Sudan.

7.8.3. Voluntary Environmental Impact Assessment (EIA)

Environmental Impact Assessment (EIA) is defined in different ways by different organizations and experts. According to Goodland and Mercier (1996), EIA is “the process of evaluating the direct and indirect environmental and social implications of a proposed development project” (cited in Economic Commission for Africa (ECA), 2005, p.5). The United States Environmental Protection Agency (U.S. EPA) defines EIA as:

A decision-making process, and a document that provides a systematic, reproducible, and interdisciplinary evaluation of the potential effects of a proposed action and its practical alternatives on the physical, biological, cultural and socio-economic attributes of a particular geographical area (U.S. EPA, 1998, p.9).

In a more elaborated form, the United Nations Environment Programme (UNEP) defines EIA as:

A systematic process to identify, predict and evaluate the environmental effects of proposed actions and projects. This process is applied prior to major decisions and commitments being made. A broad definition of environment is adopted. Whenever necessary, social, cultural and health effects are considered as an integral part of EIA. Particular attention is given in EIA practice to preventing, mitigating and offsetting the significant adverse effects of proposed undertakings (UNEP, 2002, p.103).

Despite some minor differences in areas of focus, various definitions of EIA embody the following major elements: the assessment of environmental impacts at the planning stage of a project to enable sound decision making in a timely manner; a

comprehensive evaluation of the environmental and social impacts as well as cultural and health effects of a project; the application of consultative and participatory principles; and the exploration and evaluation of mitigating measures and other alternatives (ECA, 2005). As such, EIA could be seen as a flexible procedure that can vary in depth, breadth, and type of analysis, depending on the kind of project in question. It can be conducted at one point in the project cycle, stretched over a certain period of time to account for seasonal variations, or carried out in discrete stages (World Bank, 1989).

Different countries have adopted different ways of incorporating EIA principles into their land lease agreements. Some have made it mandatory to have an EIA report before signing land lease agreements, e.g. Ghana, Tanzania and Mozambique; while others leave it as voluntary for the investor to carry out an EIA at any time of the investment, e.g. Ethiopia (Vermeulen and Cotula, 2010).

In the Ethiopian case, there are many direct and indirect policies and regulations pertinent to environmental protection as a whole and EIA in particular. The overall environmental policies, programmes and strategies adopted by Ethiopia will be discussed later. In this section, however, only the Environmental Impact Assessment Proclamation (299/2002) will be discussed. According to the preamble of this proclamation, its aims are to predict and manage the environmental effects of proposed development programmes; to harmonize and integrate environmental, economic, cultural and social considerations into a decision-making process; to implement environmental rights and objectives enshrined in the constitution; and to bring about administrative transparency and accountability. The proclamation in its

Article 3:1 explicitly prohibits any development project that requires EIA to be implemented without authorization from the concerned federal or regional environmental authority. Article 7 of the proclamation requires a proponent (government or private project initiator) to undertake an EIA of his/her project by approved experts and to fulfil the terms and conditions of authorization during implementation of the project. According to Article 8:2, an EIA report is required to contain:

- (a) The nature of the project, including the technology and processes to be used;
- (b) The content and amount of pollutant that will be released during implementation as well as during operation;
- (c) Source and amount of energy required for operation;
- (d) Information on likely trans-regional impacts;
- (e) Characteristics and duration of all the estimated direct or indirect, positive or negative impacts;
- (f) Measures proposed to eliminate, minimize, or mitigate negative impacts;
- (h) Contingency plan in case of accident; and
- (i) Procedures of self- auditing and monitoring during implementation and operation.

Indeed, the content of the Ethiopian EIA proclamation is, in principle, a progressive step towards environmentally-friendly development in the country. However, before we discuss the implementation of this proclamation in light of the contemporary land investments, it is important to consider the enforcement mechanisms of the proclamation, which have been very weak, for a number of different reasons. In the first place, there is a problem of qualified human resource to oversee the implementation of the proclamation. According to Melaku (2008), the Environmental Protection Authority (EPA) is one of the under-capacitated institutions and the field of

EIA in Ethiopia in general is a relatively young and undeveloped one. As such, leave alone the regional EPAs where many projects take place, even at the federal level the EPA is not competent to carry out its duties (Melaku, 2008).

Secondly, although even in developed countries there is always a dilemma between long-term environmental concerns and short-term economic growth needs, in poor countries like Ethiopia this dilemma is even worse. In Ethiopia, according to Mulugeta (2009), there is strong political support for short-term development projects over long-term environmental concerns. Finally, during the current financial crisis where investments are desperately needed to create jobs, land-rich developing countries are in stiff competition to attract investors. One way of attracting those investors is by reducing bureaucracy and making the process of land investment less time consuming (Cotula *et al.*, 2009). Environmental concerns in this regard, and the EIA requirement in particular, are seen as a bureaucratic hurdle that has to be relaxed. As Mulugeta argued, “the government [Ethiopian] does not want to risk losing investors by strict implementation and requirement of EIA” (Mulugeta, 2009, p.12).

Against this background, it is not surprising that EIA is only made voluntary in the ongoing land investment in Ethiopia despite the fact that the law requires it to be mandatory for such projects. For instance, in relation to the booming floriculture industry in Ethiopia, Mr. Solomon Kebede, the head of the EIA service, identified several reasons for the lack of regulation of the sector, among which are: the lack of sufficient laws to regulate this particular sector; weak implementation of the existing environmental and related laws; strong political backing for the floriculture sector;

lack of interest from other government agencies such as the land allocation agencies, custom offices, and credit associations, to request EIA; lack of political commitment from law enforcement agencies to enforce environmental laws; and the government's obsession with attracting FDI. These could be mentioned as some of the most pressing reasons for the deregulation of the floriculture sector (OI, 2011a).

This is pretty much the same with land investments in the Gambella region, particularly after the centralization of the land investment process. None of the land lease agreements analyzed for this study make direct reference to respecting related environmental laws of the country. Although investors are required to conduct an EIA in those land lease agreements, there is no punitive clause for non-compliance, thus EIA is only voluntary. As has been confirmed during the field research, investors who are now in their third and fourth year of operation have not yet conducted any EIA nor have the concerned government agencies requested them to do so (Interviews – 6 and 7BSS, 1 and 2 Apr. 2012).

To make things worse, many of the farm managers and administrators who actually run the farms on a daily basis do not know about EIA or the environmental laws and policies of the country (Interviews – 6 and 7BSS, 01 and 02 Apr. 2012).⁴⁷ This is also true of *woreda*-level government officials who actually interact with farm managers on a daily basis. They too do not know about EIA and do not have copies of the federal legislation on the environment in general and EIA in particular (Interviews – 12 and 17GOV, 28 Mar. and 16 Apr. 2012).⁴⁸ Therefore, in addition to the problem of EIA being voluntary, it remains questionable as to what extent the government

⁴⁷ Interview – 6BSS: Is a farm manager for a foreign owned large-scale commercial farm in the Gambella region.

⁴⁸ Interview – 17GOV: Is an elected senior official at Majang Zone, Godere *woreda*.

institutions are capable of monitoring and evaluating environmental impacts of these mega projects.

7.8.4. Weak Monitoring, Evaluation and Enforcement Mechanisms

Even if we put aside the gaps in those land lease agreements and look only at the implementation of the issues addressed in them, we still find that their monitoring, evaluation and enforcement mechanisms are very weak in the few cases where they are observed, and in the majority of cases monitoring and evaluation have not been conducted at all (Interview – 4GOV, 21 Mar. 2012).

Some of the land lease agreements analyzed for this study contain some important clauses concerning provision of social services to local communities, such as construction of schools, health centres, water pumps, roads, etc (MOARD and Ruchi Agri Plc, 2010; MOARD and Sanati Agro Farm Enterprises Pvt. Ltd., 2010; MOARD and BHO Bio Products Plc, 2010). In addition, some investors have included in their land deals the intention to support local farmers in terms of provision of improved seeds, technological expertise, transportation and market opportunities (MOARD and Saudi Star Plc, 2010). However, in practice, most of the promises and provisions in these land lease agreements are not observed on the ground. Local communities interviewed during field research complained that both the government and the investors had promised many things when they started work but none had so far been delivered and the communities did not believe that the investors were

going to live up to their promises (FGDs – 2 and 3, 31 Mar. and 1 Apr. 2012).⁴⁹ This view is shared not only by ordinary local communities but also by some regional and *woreda* government officials, as reflected in the response of one of the *woreda* officials as follows:

In the beginning when investors started to come, we at the *woreda* government level thought it is going to be good thing for the *woreda* and its people. Investors promised lots of good things that would help our people. Therefore, we supported them and tried our best to convince farmers to be cooperative with investors and even to leave their farms in return for social services, enhanced farming knowledge and access to technology and national and international markets. We thought investors would train local farmers and provide them with technology like tractors and machines so that farmers too could modernize their farming and get access to national and international markets. But now three years after investors have started working, I am not optimistic anymore about this trend. The investors are only concerned about their benefits and they don't seem to care about the local people. When we ask them about their promises, they say it is not their business to build schools, that is the business of the government and that we should contact the regional government (Interview – 12GOV, 28 Mar. 2012).

None of the farms investigated for this study have gone through or received any monitoring and evaluation from the concerned government bodies. Government officials interviewed for this research clearly stated that monitoring is limited to ensuring that at least some part of the farm is made operational by the investor and that the investor pays appropriate annual fees (Interview – 3GOV, 21 Mar. 2012). Apart from this there is no monitoring of benefits, production and environmental concerns.

⁴⁹ These focus group discussions were conducted in Thenyi and Perbongo-Oma villages respectively. The villages are some among the relocated villages in the first phase of the villagization programme.

Moreover, during field research, I asked the concerned regional government agencies whether investors have submitted reports of their work, which would at least enable desk monitoring and evaluation. The agencies were unable to provide a single report from investors, suggesting that even desk evaluation and monitoring does not exist. In those land lease agreements analyzed for this study, investors are not under any obligation to provide any periodic report about their investments to the concerned government agencies. They are expected to “provide correct data and investment activity reports [only] upon request by the Ministry of Agriculture and Rural Development” (MOARD and BHO Bio Products Plc, 2010, p.3). However, three years after operation, none of the investors interviewed for this research has so far been requested by the MOARD to provide any information about their investment activities (Karuturi, Ruchi, Saudi Star, Verdanta, 2012). Therefore, the lack of adequate monitoring, evaluation and enforcement mechanisms makes the already precarious agreements even less meaningful, since the provisions of those agreements are not enforced.

7.9. Available Land for Investment in Ethiopia

Different sources, both governmental and non-governmental, present different figures with regard to the amount of land made available for large-scale investments in Ethiopia. Even among various government departments there are considerable differences about the amount of land claimed to be available for investment in the country. For instance, while the MoRAD (2008) in one of its early documents claimed

that the country has 111million ha land available for investment, the then Ministry of Mines and Energy (2007)⁵⁰ in its bio-fuel strategy document suggested that the country possesses 24 million ha of unutilized land suitable for growing bio-ethanol and bio-diesel crops.

To make things even more complicated, leave alone differences among various government departments, even the MOARD itself has at different times been presenting different figures in different documents concerning the available land for large-scale agriculture in the country. For example, in 2008 the Ministry posted a promotional document aimed at attracting foreign investors in which it claimed that there are 74 million ha of land suitable for crop production in the country. The document notes that, out of this 74 million ha of arable land, only 18 million ha are utilized meaning that there are 54 million ha of land available for investment. However, in other pages of the same document, under a section in which the available arable land in each regional state is stated, the sum of the all available land from all regions of the country is only 10 million ha – showing a considerable difference from the above-claimed 74 million ha nationwide (MOARD, 2008).

However, since 2009, in different press interviews, official promotional documents, and public statements, the official figures about the available arable land in the country have significantly dropped to around 3.5 million ha (MOFED, 2010b). These contradictions and discrepancies in the figures indicate the lack of a credible and accurate land suitability assessment and suggest that there is a good measure of guess work and arbitrariness in land estimations.

⁵⁰ This ministry was restructured in 2010 as Ministry of Mines (MOM).

At the moment, according to the MOARD, there are 3.5 million ha of land available for commercial land investment in the country. Since 2009, with the creation of the AISD, the federal government has centralized the land investment process with particular emphasis on minority regions (lowland regions) on the grounds that those regions do not have the capacity to negotiate with big foreign investors. Accordingly, as stated earlier, the federal government claimed that those regions have transferred a certain amount of land to be registered in the federal land bank and marketed by the federal government on their behalf. The following table shows the amount of land claimed to have been transferred to the federal land bank by respective regional states.

Table 5: Available land for Investment in the Federal Land Bank

Regions	Available land for Investment (ha)	Area of the Region (ha)	Percentage of the region's land made available for investment
Gambella	1,200,000	2,580,200	46.5%
B/Gumuz	691,984	4,928,900	14%
Afar	409,678	9,670,700	4%
SNNPR	180,625	11,093,100	2%
Oromia	1,057,866	35,300,700	2.9%
Amhara	420,000	15,917,400	2.6%
Total	3,540,153	79,491,000	4.4%

Source: MOARD, 2009 and 2010; Oakland Institute, 2011a; and interviews with respective investment agencies. In the case of Gambella regional state, there is a difference between what the region claims that it has transferred to the federal land bank – which is 1,200,000 ha (the amount stated above) – and what the federal government claims that it has received from the regional government (829,199 ha).

Despite the federal government's claim that the transfer of those lands to itself is a voluntary action by those regions, as discussed earlier, interviews with some of the Gambella regional state's government officials indicate that those transfers were only concluded between the federal government and the regional governor through pressure of the former (Interviews – 4 and 9GOV, 21 and 27 Mar. 2012).⁵¹ Moreover, as also discussed earlier, experience from the Gambella regional state shows that those lands that are claimed to have been transferred to the federal land bank are not actually demarcated on the ground.

The Ministry of Agriculture and Rural Development (MOARD) in one of its documents, entitled 'Agricultural Investment Potential of Ethiopia', identified the available land in each region according to different sectors. The following table summarizes the available land for investment in each region of the country and according to each sector, as presented in this particular document.

Table 6: Total Available land for investment by sector in each region (in thousands ha)

Sector	Gam.	B/ Gum.	Afar	Soma.	Orom.	SNNPRS	Amha.	Tigr.	Total
Cotton	316	303	200	225	407	601	679	269	3000
Pulses		25			526	390	689	20	1650
Oil Crops	19	715	8	4	185	4	541	125	1601
Maize	200	200		250	150	300	300		1400
Horticulture					150	346	270		766
Palm oil	100				50	300			450
Coffee	20				246	155	5		426
Rice		50		100	25	75	30		280
Rubber	50					150			200
Tea	15				55	75	5		150
Total	720	1,293	208	579	1,794	2,396	2,519	414	9,923

Source: Summarized from the MOARD (2009).

⁵¹ Interview – 9GOV: Is an elected official and a cabinet member at the regional government.

There are, therefore, significant differences between these figures and the ones presented previously which are already in the federal land bank. In addition to the above-mentioned official figures, some senior officials at the AISD, during different interviews with various media outlets, have suggested that more large tracts of land will be made available in the near future as there is work going on to identify more land, particularly in lowland regions (Esayas, interview with NHK World, 31 Jan. 2010). According to Esayas, having a land bank at the federal government level makes the land investment process effective and efficient both for national stakeholders and foreign investors.

7.10. Land Leased out to Investors

Sources both from within and outside Ethiopia present different figures concerning the actual size of land that has been leased out so far to investors at different times (Cotula, *et al.*, 2009; MOARD, 2010; World Bank, 2011). For example, according to Cotula's *et al.* (2009) report, from 2004 to 2009, 602,760 ha of land were granted to foreign and domestic investors in Ethiopia. However, according to the World Bank's (2011) report, from 2004 to 2008, 1.2 million ha of land were granted to 406 investors in five regions.

This lack of consistency in the figures about the amount of land leased out to investors is not only prevalent among non-government reports but also widely evident among different government levels and various departments. At the government level, there seems to be weak inter-governmental (federal, regional and

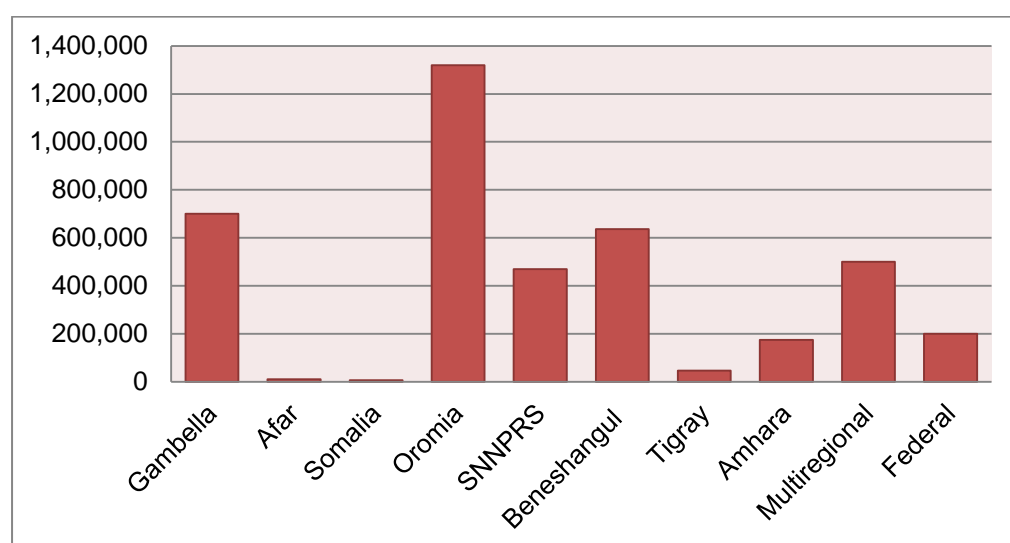
local) and inter-departmental (MOARD and Investment Commission) coordination and sharing of data pertinent to large-scale land investments. This weak coordination and communication is compounded by the secrecy involved in those land deals and lack of actual on-ground delineation of land that has been leased out to investors, leading sometimes to differences between the size of land offered on the agreement and the actual land acquired on the ground. Even after the centralization of land investment with the creation of the AISD, much confusion seems to still remain unresolved as the communication between the central body (AISD) and regional investment offices remains extremely weak.

Therefore, it is not surprising that the records of federal and regional governments concerning the size of land leased out to investors vary considerably in all cases investigated for this research. In order to reach more approximate figures, I have tried to use triangulation by cross-checking the figures provided by the federal government against the regional government records and have carried out limited verification visits to some of the *woreda* governments involved. Yet, even after checking the available records from the federal government against records from the regional government and the *woreda* governments, it is still difficult to claim that the following list provides 100% accuracy of the land leased out so far to the investors in the country. Since there have been many replacements of land lease agreements that were formerly signed between the regional governments and the investors, sometimes the regional government or the *woreda* governments provide different land lease agreements from that of the federal government for the same investor. Moreover, in many cases, both the investors and local government officials believe that the actual land given out to investors could be higher or lower than the land size

on the land lease agreement since there is no accurate delivery/handing out mechanisms for those lands (Interviews – 7BSS and 15GOV, 2 and 4 Apr. 2012).

For instance, in Gambella regional state, one official at Abobo *woreda* agricultural bureau stated that many investors have gone far beyond the land they were given (Interview – 11GOV, 28 Mar. 2012). In one of my focus group discussions, farmers from Chubo village claimed that they have had several disputes with their neighbouring investors because the investors have encroached into their field or crossed the line that the *woreda* official had informed them was the boundary between their farms and the investors' farm (FGD – 1, 30 Mar. 2012). The following graph gives an overview of the land that has already been leased out to investors in various regions of the country based only on the records of the various government levels and departments.

Figure 6: Land leased out to large-scale investors in Ethiopia



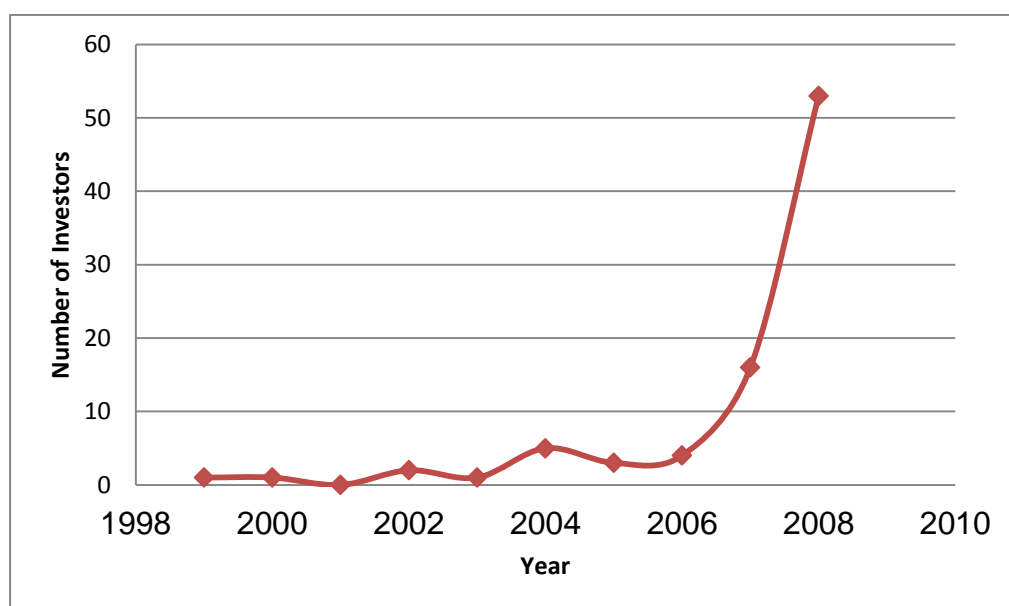
Source: Federal (MOARD, 2012) and regional databases and reports from other organizations (Cotula et al., 2009; Dessalegn, 2011; OI, 2011a; World Bank, 2011). I only undertook cross-checking in the Gambella region.

The above graph does not represent the full land investment in the country. Although it does show the level of land investment in various regions of the country, there are many domestic investors in each region who are not accounted for in this graph. As such, the actual size of land that has already been leased out to investors could be higher than what is presented here. Yet, it is also to be noted that most of the investors who have rented lands have not yet fully utilized their land lease, and some have not even started working on their lands. So, again, the actual land that is in operation could still be far lower than what is presented in the above graph.

7.11. Investors

According to the Gambella Investment Agency (GIA), the number of investors started to sharply rise from 2007 and since then it has been doubling and tripling over the last three to four years (Kassaun, interview with the Guardian, 21 Mar. 2011). The following graph, adopted from the GIA, shows the sharp rise of agricultural investors in Gambella since 2007.

Figure 7: Agricultural investors in Gambella



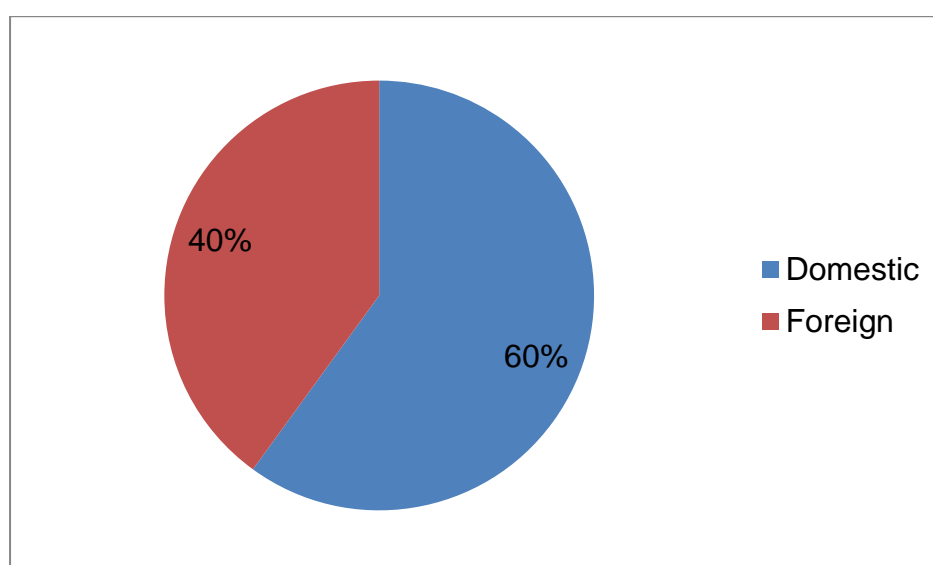
Source: Gambella Investment Agency (2011)

A large number of investors in Ethiopia in general and in Gambella regional state in particular are domestic investors. Although foreign investors are known for the vast tracts of land they have been acquiring, nearly 50% of the overall land leased out to investors in Ethiopia so far has gone to domestic investors, who account for 95% of large-scale land investors in the country (Dessalegn, 2011). Domestic investors in Ethiopia include diaspora Ethiopians who are now going back as investors. The Ethiopian government through its Embassies abroad has been strongly encouraging the diaspora to come back home and invest in the country. As a matter of fact, there is an independent department called 'Diaspora Engagement Affairs General Directorate' under the Ministry of Foreign Affairs with its own branches throughout all the regions to facilitate diaspora investment back into Ethiopia (MOFA, 2011). For instance, according to the Benishanugl-Gumuz regional state Investment Commission, out of the 227 investors operating in the region, 178 are domestic

investors, 40 are diaspora and only nine are classified as foreign investors (OI, 2011a).

When it comes to the experience of the Gambella regional state, out of the 896 investors, only six are foreigners and the rest are domestic investors. Most of these domestic investors have small-scale lands below 2,000 ha (GIA, 2011). So in my research I focused only on the first 15 large-scale investors who have acquired 2,000 ha and above. In the case of these 15 large-scale land investors, as illustrated in the following figure, nine are domestic investors and six are foreigners.

Figure 8: The first 15 large-scale investors in Gambella

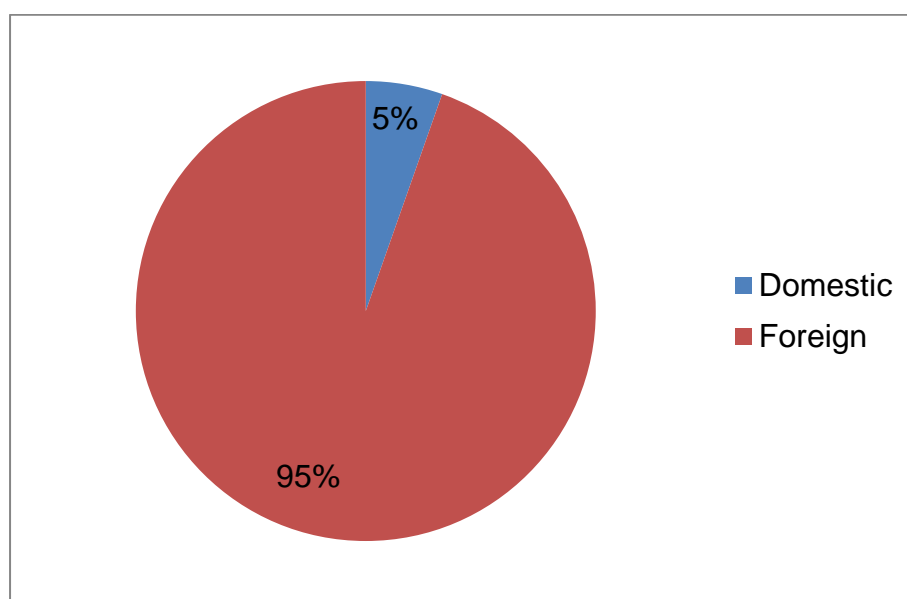


Source: Author's direct communication with Gambella Investment Agency

However, when it comes to the actual land sizes that have been leased out to these 15 investors, the six foreign investors account for 95% of the total lands that have

been leased out and the 9 domestic investors only account for the remaining 5%, as illustrated in the following figure.

Figure 9: Land leased-out to the first 15 large-scale investors in Gambella



Source: Author's direct communication with Gambella Investment Agency

Unlike foreign investors, domestic investors have limited capital and therefore use more labour-intensive farming, which is good in terms of job creation. However, according to some daily labourers, working conditions under domestic investors are not good and the pay is less than what foreign investors pay to their workers (Interviews – 10 and 11, 2 Apr. 2012). In addition to the relatively unfavourable working conditions on domestic investors' farms, regional authorities also complain about the lack of necessary knowledge and experience of some of the domestic investors in the area of commercial farming. For instance, in 2011, the regional government of Gambella in collaboration with the concerned federal authorities

withdrew land lease agreements for 27 domestic investors whom they claimed had no capacity of putting their land lease into production (Interview – 3GOV, 21 Mar. 2012).

It is important to note here that only two of the domestic investors are from the indigenous peoples of Gambella. The rest are highlanders. Due to various factors such as marginalization and poverty, the indigenous peoples of Gambella are virtually excluded from this land business. One of these indigenous persons from Gambella who had acquired small-scale farmland (15 ha) in the region complained that the overall land investment environment is not supportive of the indigenous peoples. He stated that, while other domestic investors from the highland part of the country could easily acquire access to a bank loan, indigenous peoples do not acquire access to these loans (Interview – 9BSS, 12 Apr. 2012).

The issue of land investments among domestic investors in the Gambella region is not free from national politics. According to my findings, over 80% of the domestic investors in the Gambella region are from the Tigrean ethnic group – the politically dominant ethnic group. Because of their political dominance both at the national level and behind the regional officials in Gambella, the Tigreans are favourably treated in large-scale land allocations in terms of the quality of land they are given, easy access to bank loans, and protection of their assets by the security apparatus which they fully control in the region (Interview – 9BSS, 12 Apr. 2012).

Out of the six foreign investors in the region, four are from India, one from China and one from Saudi Arabia. Chinese companies, although they are very visible in the

mining and infrastructure development sector countrywide, are not yet very active in the agriculture sector. Except for the Gambella region, records from the federal government do not show any Chinese company that has invested in agriculture in other parts of the country. This might change in the near future as Chinese companies are among the most dominant in land acquisitions in other parts of Africa (GRAIN, 2008). Because of their export-oriented production and the hard currency they bring to the country, foreign companies in general seem to be treated more favourably compared to their domestic counterparts, and they are also feared by local authorities because of their strong backing from top authorities at the federal level (Interview – 11GOV, 28 Mar. 2012).

7.12. Conclusion

Although large-scale land investments are not a completely new phenomenon in Ethiopia, this chapter has discussed some of the major traits that make the contemporary trend of LSLAs unique from its predecessors. The enormous sizes of lands that investors are acquiring, the involvement of foreign investors and their export-oriented production, and the re-centralization of the LSLAs' process by the federal government all carry significant political, social and economic implications that deserve special attention. Based on my interviews with some of the relevant key ministries in the region, the re-centralization of the LSLAs' process has undermined the mandates of other ministries such as the Environmental Protection Authority, the National Parks Authority/Federal Wildlife Conservation Authority and the Ministry of Water Development. Similarly, this apparent exclusion of the regional government from the negotiation and decision-making process related to LSLAs in the region,

also had undermined the principle of community consultation/participation, which is an important international principle for LSLA. As such, it is not surprising that the land contractual agreements signed by the federal government do not recognize, among others, the land and related resources rights of the indigenous communities who have inhabited/used those lands for decades if not centuries. Nevertheless, the government and investors continue to claim that land investments have brought numerous benefits to those indigenous communities. In my research, I have tried to critically review those claims through interviews, focus group discussions and questionnaires to determine the authenticity of those claims. The findings of my review are discussed in the following chapter.

Chapter Eight: Reviewing the Benefits of Large-Scale Land Acquisitions vis-à-vis Indigenous Communities of Gambella

8.1. Introduction

Both the Ethiopian government and land investors have been claiming that large-scale land deals in lowlands regions bring multiple benefits for the indigenous communities of those regions. The aim of this chapter is to review these claims by focusing on some of the most frequently cited benefits such as: (1) food security, (2) employment opportunities, (3) technology transfer and (4) increase in tax revenue for local governments. To this end, this chapter will answer the third subsidiary research question which is formulated as: **is large-scale land acquisition benefiting the indigenous communities of Gambella?**

8.2. Food Security

One of the arguments put forward by the Ethiopian government in support of LSLA is that it will improve the food security situation of the country in general and of the Gambella region in particular. Given the fact that Ethiopia is a food-import dependent country despite its abundant arable lands, LSLA, it is argued, will bring the needed capital and technology that will increase agricultural productivity and consequently the availability of food in the country at lower prices (Karuturi, interview with Channel 4 News, 31 Dec. 2012).

Despite similar official statements, interviews and press releases from various government departments and top political leaders that link LSLA with food security (e.g. Karuturi, 2011b; Meles, interview with IMTN TV, 26 Jun. 2011; Shiferaw, 2011), there is no official study or document yet produced that outlines how LSLA is specifically expected to contribute to food security in the country. In other words, despite the claim by the government and investors that LSLA will help Ethiopia to overcome its chronic food insecurity problem, the linkages between these two components have not yet been formally established or outlined.

However, based on the official statements and the overall discourse provided by the government and proponents of LSLA, two kinds of linkages between LSLA and food security can be identified. These are what I see as the ‘direct’ and the ‘indirect’ linkages. While the former refers to the arguments that directly connect LSLA and food security, the latter refers to the promise of general economic growth which is then expected to alleviate poverty in general and food security in particular at the household level.

8.2.1. Direct Contribution of LSLA to Food Security

The most frequently cited direct contribution of LSLA to food security is its potential to tackle the food supply problem by increasing agricultural productivity and therefore making food available in local markets at affordable prices. In the language of ‘food security’, LSLA will ensure ‘food availability’ – one of the four dimensions of food

security,⁵² in food-deficit countries like Ethiopia. For instance, former Prime Minister Meles Zenawi alluded to this argument in one of his interviews with IMTN television.

These land lease agreements we are designing with Indians and as well as other foreign companies are precisely designed to make sure that everybody benefits. Once people begin to see the results of the investments in terms of jobs creation, availability of foreign exchange, **availability of various agricultural products in our markets** and so on, they will see the benefits for themselves and it would be completely irrational for them to shoot themselves on the foot (Meles, interview with IMTN TV, 26 June 2011).

According to this statement, LSLA will provide various agricultural products in domestic markets, i.e. it will tackle the food supply problem by ensuring ‘availability’ in local markets. In the same line of argument, Mrs. Genet Zewode, the Ethiopian Ambassador to India, stated that the involvement of Indian investors in the agricultural sector in Ethiopia will ensure food self-sufficiency and food security for Ethiopians who have been suffering from periodic droughts and famine at different times (Genet, interview with IMTN, 26 Jun. 2011).

It is too early to verify this line of argument, i.e. the assumption that the increase in agricultural productivity will ensure food availability at local markets and lower food prices locally, since most of those projects are still in their early stages. Nevertheless, from the experience so far, it is still possible to draw initial conclusions and forecast the most likely scenarios about the contribution of LSLA to food supply in Ethiopia in general and the Gambella region in particular.

⁵² According to the United Nations Food and Agriculture Organization (FAO), the four dimensions of food security are, “Physical availability of food, economic and physical access to food, food utilization and stability of the other three dimensions over time” (FAO, 2006, p.1)

In the first place, as already discussed earlier, the land investment legal framework in Ethiopia in general does not take into account domestic food security needs. On the contrary, it encourages export-oriented production by providing various investment incentives to those investors who export a large amount of their outputs. In other words, according to the earlier-discussed investment legal framework, the more an investor exports, the better incentives he/she gets. As such, from the outset, the existing land investment policy framework itself favours export-oriented production over domestic food supply.

Secondly, and not surprisingly, most of the investors at the moment are producing export-oriented crops/plants that are commonly neither eaten/used by the larger Ethiopian societies nor by the indigenous communities of Gambella. Looking at the 24 large-scale land lease agreements analysed for this study, the first three major investment crops/plants are (1) Cotton – produced by 13 investors, (2) Soya beans – produced by 4 investors and (3) Rice – produced by 3 investors. However, in the Gambella region the major investment crops/plants by land size according to land lease agreements are (1) Rice – 496,000 ha, (2) Cotton – 19,000 ha and (3) Sesame – 10,000 ha. Most interestingly, Maize, which is the most common food in Gambella region is only mentioned by two domestic investors, whose combined total land holdings is only 5,000 ha.

Hence, based on what is actually written on the large-scale land lease agreements, the claims about domestic food security by both the investors and the government seem to be flawed. According to those land lease agreements, investors are not under any obligation to produce certain types of crops for local markets. In fact, not

only are they free to produce any kind of crop of their choice and sell it anywhere, but they are also incentivised to do so. In short, contrary to what the investors and top government officials are saying in the media about the direct contribution of LSLA to food security, according to the land lease agreements there is no provision for domestic food security needs/priorities either for the immediate communities or for the wider Ethiopian populations.

Finally, practically speaking, although most of the large-scale land investors have not utilized all of their land leases yet, at least some have already started to work on some portion of their landholdings. From what they have produced so far, my investigation shows that none of their products have been supplied either to the regional or national food markets. In the Gambella regional capital and other three *woreda* capitals where I conducted my research, I interviewed some major grain wholesalers including some retailers and my findings suggests that none of their supplies come from the large-scale land investors in the region (Interviews – 2 and 5BSS, 17 and 24 Mar. 2012). The major sources of maize, the most commonly eaten grain in the Gambella region, remain the neighbouring regions of Oromia, SNNPRS and the South Sudanese refugee camps in the region (Interview – 4IND, 24 Mar. 2012).⁵³ My interviews with residents of Abobo *woreda* – the epicentre of large-scale land investments in Gambella region – also confirmed that so far there is no food item produced by large-scale land investors that is being sold in the *woreda* (Interviews – 10 and 11IND, 02 Apr. 2012).

Moreover, the investors interviewed also confirmed that their primary target at the moment is the international food market; this is in order to make themselves eligible

⁵³ This interviewee works for an international NGO in the Gambella region as a food security expert.

for various incentives that the government is providing for those investors who export more than 50% of their products (Interviews – 3 and 4BSS, 17 and 18 Mar. 2012). Mr. Samuel Nebiyu, special advisor to Saudi Star Agricultural Development Plc, stated once that, “our target is to produce not less than one million tons of rice in the next five years for export and domestic market”. He added, however, that, “since rice is more used in the Middle East, our major target is to export our products to Saudi Arabia” (Samuel, interview with Ethiopiafirst, 16 Feb. 2010). As demonstrated in the following table, most of the staple food producers so far have been exporting their products either to their countries of origin or to other countries.

Table 7: Destination Markets for staple food produced in the Gambella Region 2011/2012

No.	Investor	Crop	Production in metric tones	Destination market
1	Saudi Star	Rice	20,000	Saudi Arabia
2	Sannati	Rice	8,000	India and international market
3	Karuturi	Rice	20,000	India and international market
4	BHO	Rice	8,000	India and International market
5	Bazel	Rice	1,500	Domestic and International Market

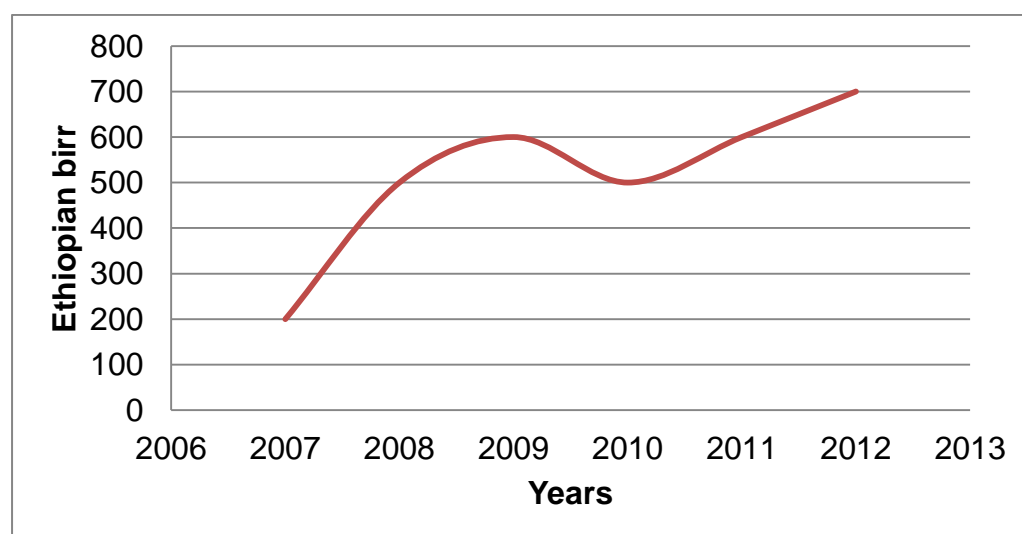
Source: Author’s direct and indirect communications with the investors, farm employees and other stakeholders.

As can be seen from this table, out of the 57,500 metric tons of rice produced on the plot of lands that investors put into use in 2011, almost 100% was sold outside the country, with foreign companies such as Saudi Star Agricultural Development Plc exporting 100% of its products to its country of origin – Saudi Arabia. Although India

was the major destination for most of the products of Indian companies, according to one Indian company's farm manager, some of their products were also sold to other countries (Interview – 8BSS, 10 Apr. 2012).

Hence, so far, the claim that LSLA will supply food to local markets and therefore reduce prices seems not to be the case, at least in the Gambella region. In fact, the opposite has been happening in the region. Since the coming of the investors, the price of maize has been doubling and tripling (see below). The simple explanation from the consumers and local distributors is that since local farmers were displaced from their farms – mainly in Abobo and Gog *woredas*, which are the most productive *woredas* in the region – the local supply has almost disappeared (Interviews – 2 and 5BSS, 17 and 24 Mar. 2012). This, in turn, has made the local distributors rely on imports from neighbouring regions, which has increased the prices because of the high transport costs. Another explanation is that, since the UNHCR has started repatriation of South Sudanese refugees and already closed two refugee camps in the region, this has also affected the region's food supply and food prices since there is only less food coming to the region through the UNHCR (Interviews – 2 and 5BSS, 17 and 24 Mar. 2012). Moreover, since those investments have brought more people into the region, the abnormal population growth has also sharply increased the region's food prices.

Figure 10: Average Maize Price (100kg) in Gambella town and in three *woredas* in the Gambella region from 2007-2011.



Source: Author's analysis of the quantitative data collected. In order to reach these figures, I collected the average maize prices in the three woredas and Gambella town for the last five years. Then I summed the average maize prices for each year in the research areas and divided them by four to produce the average maize price for each year for the last four years. These figures are only collected in the woreda towns (Abobo town for Abobo woreda, Pinyudo town for Gog woreda and Itang town for Itang woreda).

In a nutshell, it remains to be seen whether the current trend will change as those investors utilize more of their land leases. But it is most unlikely to change since what drives those companies is profit not local food security needs, as stated by one investor, “We are not charity organizations, we are here to make profits not to distribute our wealth. We take our products where there is profitable market for it, whether here in Ethiopia, Africa, or anywhere” (Karuturi, interview with Arte TV, 20 Nov. 2011a).

8.2.2. Indirect Contribution of LSLA to Food Security

According to the Ethiopian government and investors, LSLA, in addition to its above-discussed direct contribution to food security, will also indirectly support food security

through its contribution to general economic growth and job creation (Wondirad, interview with Channel4 News, 19 February 2012). In the language of 'food security' defined earlier, LSLA will ensure 'food access' both for the country through hard currency earned from increased export of agricultural products and for the individual citizens through employment opportunities. I will briefly discuss the problem with the first argument here and keep the second one about employment opportunities for the next section.

As discussed in Chapter seven, since coming to power, the current Ethiopian government has been promoting small-scale farming and pursuing a self-sufficiency food security strategy. However, since the beginning of the last decade, the government began moving gradually and subtly toward large-scale commercial farming and trade-based food security strategy (Lavers, 2012). By shifting towards a trade-based approach to food security, the government argues that if it has enough foreign exchange reserves, even if the investors sell their food outside Ethiopia, then it can import food from other countries. In the words of Lefort:

The mechanism that they [Ethiopian government] set up can be summarized as follows: Ethiopia rents out land to investors so that they can export their produce, and then [the Ethiopian government] import the same produce, grown somewhere else, to feed its own people (Lefort, 2011, p.1).

This strategy goes against the very first reason that triggered the contemporary global land rush, which is the fragility of trade-based food security strategy (Lavers, 2012). In other words, it was the unreliability and unsustainability of this trade-based food security strategy that compelled countries like Saudi Arabia to seek secure food

sources by directly acquiring lands (through state affiliated companies) in other countries like Ethiopia (Cotula, *et al.*, 2009; GRAIN, 2008). Therefore, it is ironic for Ethiopia to promote export-oriented production hoping that if it has enough foreign exchange reserves then it can always secure food from the international market whose unreliability sparked this phenomenon in the first place.

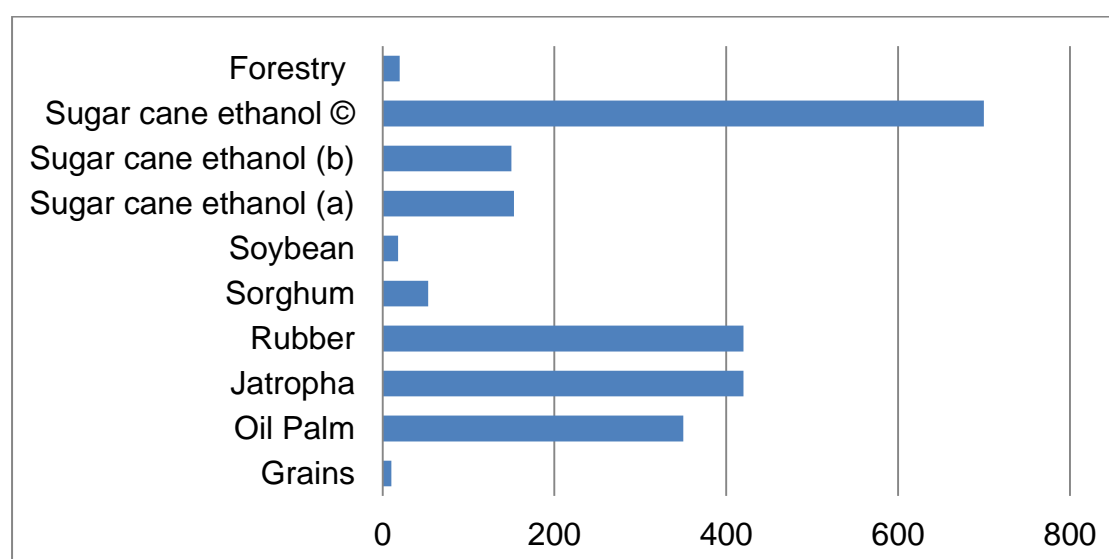
8.3. Employment Opportunities

Employment opportunities are perhaps the most repeatedly cited benefit of LSLAs by its proponents (Al Amoundi, interview with ETV, 24 Mar. 2011; Wondirad, interview with the Guardian, 21 March 2011). However, up to now there has been no study conducted about the nature of these employment opportunities, such as the kinds of jobs that those investments have created, the wages they pay and the actual beneficiaries of these jobs. This section is an attempt to review the job creation claim by proponents of LSLA by looking at three selected projects. The sample projects are selected for their comparatively high number of employees and also for the large size of their farms. To enable comparison between foreign and domestic investors, the biggest two foreign-owned farms and the biggest domestic-owned farm are selected.

Nevertheless, before I proceed to discuss the sample projects, it is important to note that employment opportunities are also determined by the kinds of crops that investors choose to produce. Some crops by nature require more labour and less technology, while others can be produced with more technology and less labour. The

following figure, adopted from a World Bank publication, shows an estimation of labour force needed for various crops per 1,000 ha.

Figure 11: World Bank Estimation of Average Work Force Required for Various Crops per 1,000 ha⁵⁴



Source: Adopted from the World Bank (2011, p.39)

In the Gambella regional state, the first 15 large-scale land investors who comprise 76% of the total land investment in the region are all producing grains and soya beans, except for five of them that also produce cotton. According to the above World Bank estimation, grains and soya beans are among the kinds of crops that can be largely produced using technology. The average workforce required for each crop is only 10 to 18 people per 1,000 ha respectively (World Bank, 2011, p.39). Hence, the kinds of crops that investors are producing in Gambella regional state are

⁵⁴ Sugar cane ethanol (a): Rain-fed, one-third mechanized harvest (Brazil)
 Sugar cane ethanol (b): Irrigated, mechanized harvest (Mozambique)
 Sugar cane ethanol (c): Irrigated, manual harvest (Tanzania)

already ranked the lowest in terms of jobs creation in the contemporary technological farming era.

With this in mind, going back to the sample projects, I conducted small-scale questionnaires to find out the number of jobs those projects have created, the nature of those jobs (permanent or contract), proportion of highlanders and indigenous employees and the average salary/wages for different levels of jobs. In most cases I cross-checked the answers I received from farm managers with farm employees. In cases where I was unable to get answers from farm managers I also relied on information provided by junior farm employees (see Appendix – 4 for the questionnaires).

Despite the differences in the number of jobs and salary scale for different projects, I will discuss the nature of jobs created by those projects under three main categories. In the first category are the farm managers, administrators, and administrative assistants. In other words, I discuss the office-based jobs under the first category. In the second category are the technical staff such as the machinery operators, mechanics, and agro-industrial experts. In the last category are the daily labourers. It is to be noted here that all these three categories are in the production sector, which is the relevant sector to the Gambella region. There are other categories in the processing sector, which I disregard in this discussion since the processors for these farms are all located outside the Gambella region.

8.3.1. First Category (Office Jobs)

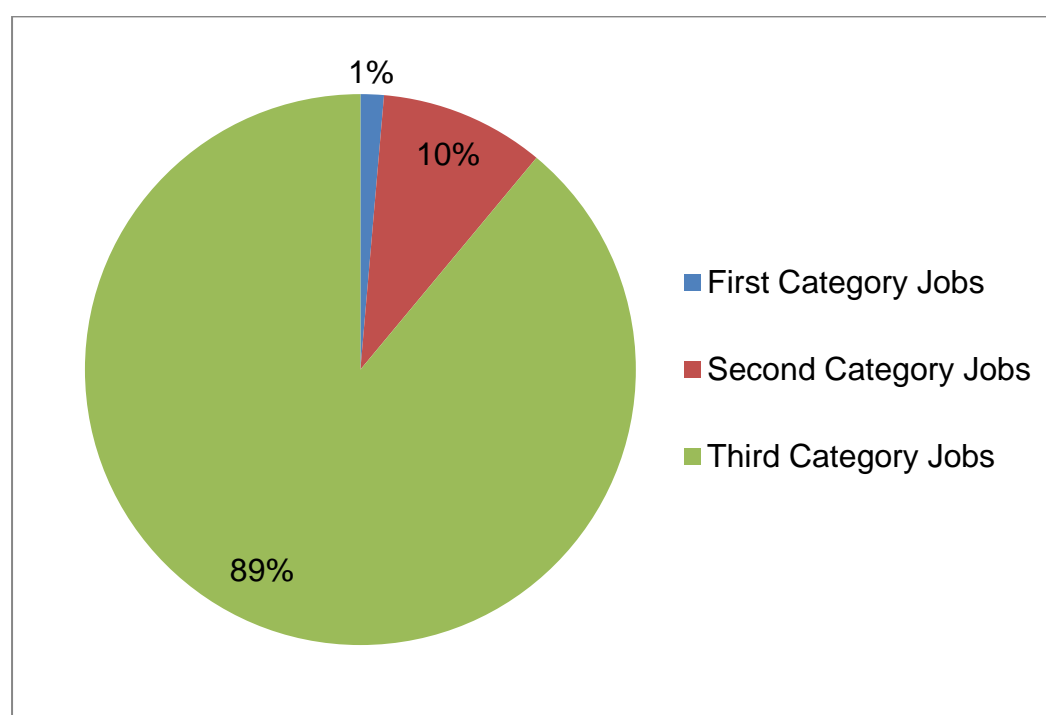
There are very few managerial and administrative positions created by the relevant land investments (see Figure 12). These positions are dispersed in Addis Ababa and Gambella region where the farms are located. They include, company executives, communication and marketing staff, engineers and related professionals, administration staff (finance, human resources, secretaries), and so on. Regardless of the variations from investor to investor, the set-ups of most of those farms are very similar. All the executives of those farms, both foreign and domestic, reside in the capital Addis Ababa where the farms' headquarters are also located. The major decisions about production and marketing also take place at the headquarters. In the Gambella region, the companies have their offices at respective *woredas* and *kebeles* where their farms are located. These offices include farm managers, secretaries, and different supervisors such as technical supervisors, different crops' production supervisors, security supervisors and so on.

According to my observation and interviews, in the case of Indian companies, most of their managerial and senior expert positions are occupied by Indians. However, for the Saudi company, the managerial positions and senior expert positions are shared between Pakistanis and Ethiopians. In the case of domestic companies, most of their office-based jobs are occupied by family members or cousins from their hometowns. Hence, essentially these jobs are out of reach for the indigenous peoples who are not related in one way or another to the investors.

In terms of wages, these positions are better paid compared to similar positions in the regional government. The salary scale for office-based jobs ranges from around

\$300-600 per month, depending on each company. However, as is shown in the following figure, the number of jobs in this category is very limited (see Figure 12). For instance, the largest investor in the region, Karuturi Agro Products Plc, had only 17 staff members in the first category out of its 1,256 total employees at the time of my field research (March/April, 2012).

Figure 12: Distribution of jobs across different categories at Karuturi Agro Plc



Source: Author's direct and indirect communication with Karuturi Agro Plc and its employees.

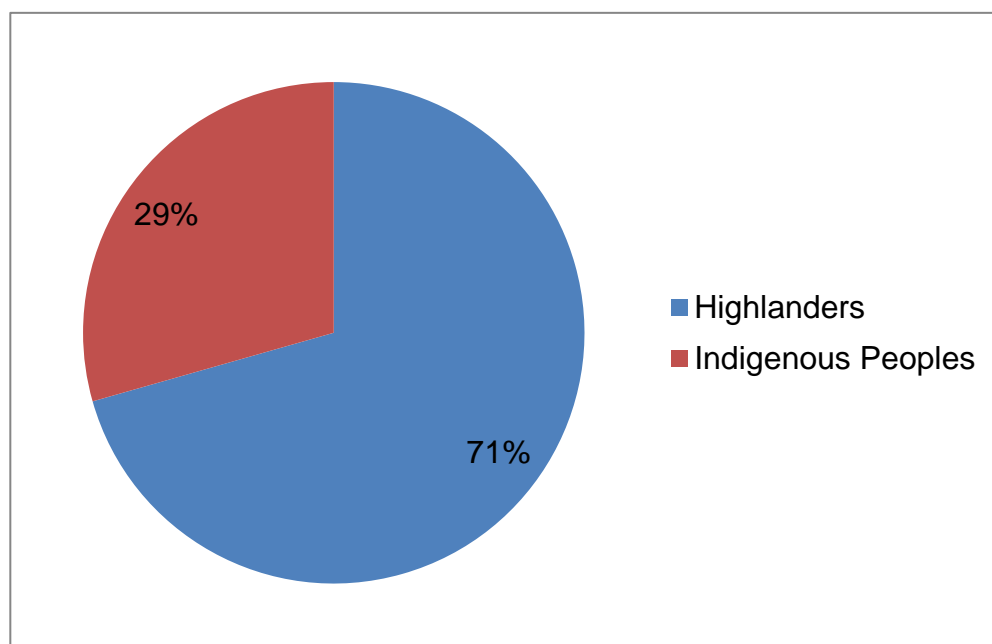
8.3.2. Second Category (Technical Jobs)

The second category of jobs created by LSLA includes the machinery operators, junior experts and different kinds of supervisors. For these kinds of jobs, previous

knowledge and experience is necessary to run the machinery or carry out other technical duties. As such, the involvement of the indigenous peoples in these kinds of technical jobs is very minimal. Many of the employees in this category are highlanders who have gained experience in mechanized farming in other regions. Since foreign companies pay better than domestic or state-owned farms, many highlanders who used to work for domestic investors or state farms in other regions migrated to Gambella to obtain the better job opportunities offered by foreign companies in the region. The average salary per month in this category ranges from \$200-300, which is far above the government's salary scale for first-degree holders, which ranges from \$100-150.

Because of the disadvantaged position of the indigenous communities in competing for these jobs, Karuturi Agro Products Plc has taken its own initiative by training some indigenous people to operate tractors and other machinery to enable them to access these jobs. Some interpret this action by Karuturi as a pre-emptive reaction to various incidents of violence which targeted foreign employees working for Saudi Star Agro Plc. However, whatever the intention behind this initiative, Karuturi has managed to employ a higher number of indigenous communities in its second category jobs than any other company in the region. As indicated in the following figure, out of its total of 119 employees in this category, Karuturi Agro Products Plc has 35 indigenous people working as tractor operators and supervisors. The next biggest company in the region – i.e. Saudi Star Agro Plc – has only six indigenous people out of its 96 tractor and other machinery operators.

Figure 13: Proportion of Indigenous vs. Highlanders in the Second Category Jobs at Karuturi Agro Plc



Source: Author's direct and indirect communication with Karuturi Agro Plc and its employees.

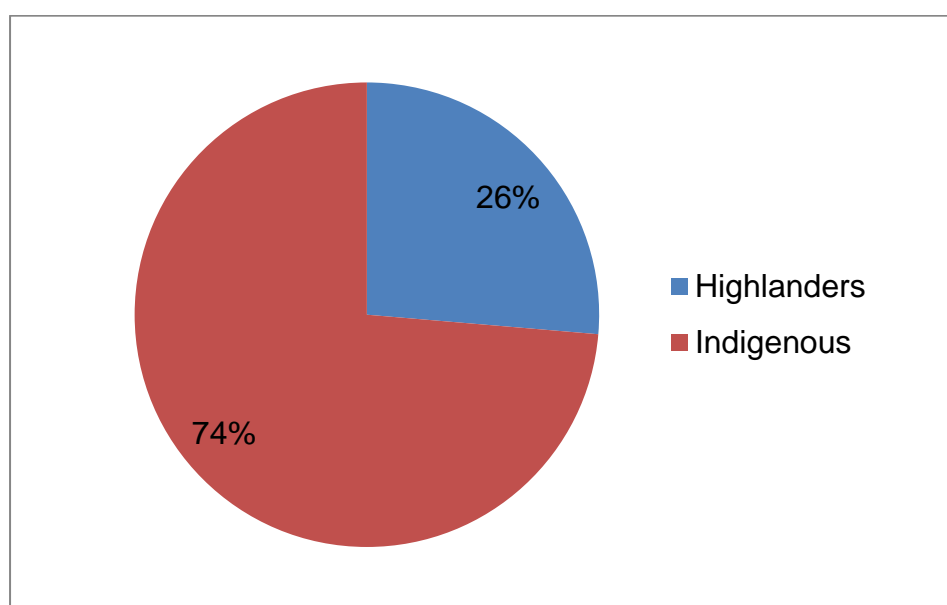
8.3.3. Third Category (Labour Jobs)

The majority of employment opportunities created by those large-scale land investments are the daily labourer jobs. Most of these jobs are seasonal and their duration could vary from crop to crop. In terms of payment, daily labourers are the lowest paid in the overall job pyramid, receiving \$1-2 per day.

The 'highlanders vs. indigenous' composition in the third category of jobs varies among investors. The location of the farm also determines the ethnic composition on every farm since villagers prefer to work in farms close to them. However, generally speaking, foreign investors have a better reputation for employing indigenous ethnic

groups compared to domestic investors. In this regard, Karuturi Agro Products Plc, according to the farm manager, has deliberately appointed 10 indigenous people in supervisory/recruitment positions in order to make it easy for indigenous peoples to obtain access to these daily labourer jobs (Interview – 8BSS, 10 Apr. 2012). As such, in its third category of jobs, Karuturi has a higher number of indigenous peoples than highlanders, as demonstrated in the following figure.

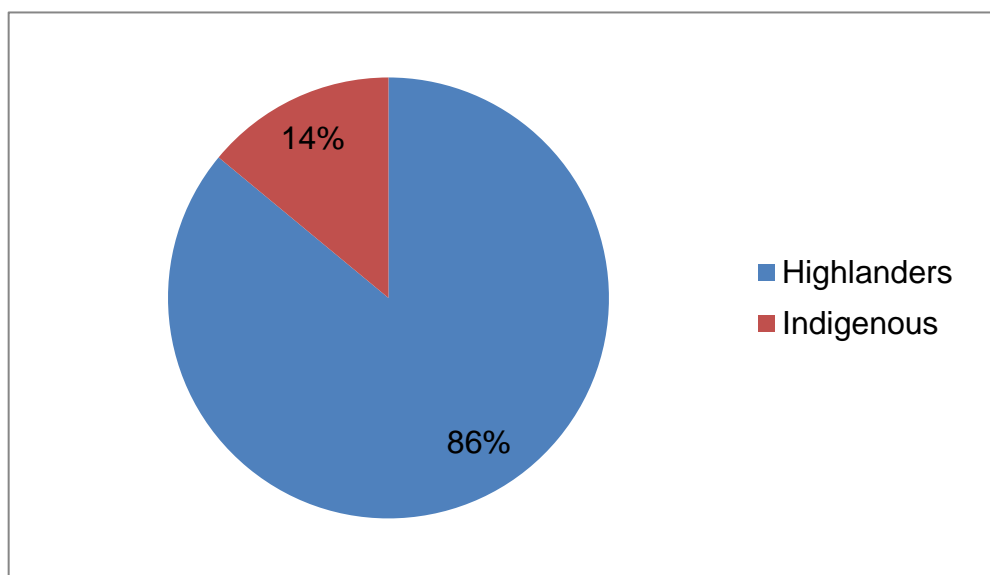
Figure 14: Proportion of Indigenous vs. Highlanders in the third category of jobs at Karuturi Agro Plc



Source: *Author's direct and indirect communication with Karuturi Agro Plc and its employees.*

However, among domestic investors, the number of indigenous people working even in this lowest third category of jobs seems to be very limited. For instance, as demonstrated in the following figure, the largest domestic investor in Gambella employed only 43 indigenous people out of its roughly 300 daily labourers at the time I was conducting my research (March/April, 2012). There was not a single indigenous person working in the first and second category of jobs in this company.

Figure 15: Proportion of Indigenous vs. Highlanders in the third category of jobs at Bazel Agro Plc



Source: Author's direct and indirect communication with the investors and their employees.

At the end of this section on job opportunities, in general, therefore, we can make two important conclusions. In the first place, despite the claim that LSLAs are providing job opportunities to local communities, the majority of those jobs are actually low paying and seasonal jobs that cannot sustain people with families (Interviews – 10 and 11IND, 02 Apr. 2012). As demonstrated in Figure 12, nearly 90% of jobs created by large-scale land investments are the lowest paying seasonal jobs. Hence, for instance, when Sheik Al Amoudi, the owner of Saudi Star Agro Plc, stated once that his company had created 707 jobs for the local people, this number could be misleading since the actual permanent jobs created could approximately be only around 100.

Secondly, from the above discussions, the significant imbalance between the number of indigenous people and highlanders working in those farms is very salient. Many reasons are mentioned by both the investors and the indigenous communities as the contributing factors for the limited number of indigenous workers in those farms. From the investors' side, some farms managers say that, compared to highlanders, indigenous people are not hard working and they do not respect working hours (Interviews – 1 and 6BSS, 15 Mar. and 01 Apr. 2012). However, from some of the indigenous peoples' side, they argue that they are being discriminated against by supervisors who are responsible for recruiting daily labourers (Interviews – 12 and 13IND, 03 Apr. 2012).⁵⁵ Some of the unemployed young indigenous people I interviewed complained about discrimination in the employment procedures of those farms (Interviews – 14 and 15IND, 04 Apr. 2012). Even some indigenous young people who are already working for those farms said that they only obtained the jobs through complaining to the farm managers. They said that managers want to employ indigenous people but supervisors (mainly highlanders) on the field who are responsible for recruiting daily labourers discriminate against indigenous people (Interviews – 12 and 13IND, 03 Apr. 2012). This might explain why the number of indigenous people employed in domestic investors' farms is even far lower than on foreign investors' farms. As indicated in Figures 14 and 15 respectively, the number of indigenous people working on domestic farms is very low (e.g. Bazen 14%) compared to the number working on foreign farms (e.g. Karuturi 74%). Some indigenous people hold the view that foreign managers are friendlier towards the

⁵⁵ These interviewees are daily labourers on one foreign-owned large scale commercial farm in Gog *woreda*.

indigenous people than local (highlander) managers are (Interviews – 12 and 13IND, 03 Apr. 2012).

Another factor is the wage on those farms and the timing of daily labourers' jobs. As indicated earlier, many of the indigenous people only get positions in the lowest paying jobs. For these kinds of jobs, investors take people in the age range of 15-35 years old. Hence, the jobs created by LSLAs are already limited to certain groups of people. For those who have family and have their own farm, what they earn on these jobs is far less than what they can earn working on their own farm. Moreover, since most of these jobs are only available seasonally during the rainy season, which is the same season that the local farmers also need to work on their farms, the timing of daily labour jobs might also then be another reason why there are limited numbers of indigenous people working in those farms.

Other indigenous people raised security as one of their greatest concerns that discourages them from seeking jobs in those farms. As will be discussed in the next chapter, the relationship between the indigenous people and highlanders has been characterised by tensions since 2003. As such, indigenous people do not want to work in environments where they are a tiny minority among highlanders. They are afraid that small disagreements might endanger their lives or, if a conflict breaks out somewhere between the two groups, the highlanders might take revenge on them (Interviews – 10 and 11IND, 02 Apr. 2012). In fact, those fears are not unwarranted; there was an instance in Abobo *woreda* where a daily labourer indigenous person on one of those farms was beaten to the point of death by her highlander colleagues (Interviews – 10IND, 02 Mar. 2012). As such, indigenous people go to work in areas

where there are many other indigenous people and where they feel secure. This creates a vicious cycle in a sense that the lack of indigenous people on some farms by itself also hinders other indigenous people from working there.

This is compounded by the fact that most of the indigenous people involved in labouring work at the moment are women,⁵⁶ whereas most of the highlanders involved in this work are young men. As such, it is very difficult for indigenous women to find themselves working among young highlanders, as there is fear of rape and other kinds of abuse (Interview – 10IND, 2 Apr. 2012). Moreover, to protect those farms, there are military bases around all of them. Given their negative reputation and the implication for various human rights abuses in the region, the military are seen as a threat not only by women but also by the indigenous people in general. Therefore, all of these security reasons might have played a prominent role in discouraging indigenous people from seeking jobs on those farms.

8.4. Technology Transfer

In Ethiopia, the level of technological change and transfer of modern agricultural technology has been very low (Workneh, 2006). The major agricultural technology development that has taken place in the country has mainly been limited to agricultural research and extension programmes initiated and supported by various international donors (Dessalegn, 2008). These agricultural research and extension

⁵⁶ It was beyond the scope of this research to look into why most of the indigenous people working (as daily labourers) and seeking jobs at those farms are women. This is a research question that might need further investigation in its own right.

programmes in Ethiopia can be traced back to the establishment of agricultural education and research centres such as the Alemaya, Ambo and Jimma agricultural and technical schools that were founded in the 1940s and 1950s (Mulat, 1999). These agricultural research institutes mainly focus on the improvement of crop varieties, development and testing of technologies for soil and water management, and introduction of farming equipment that are less time and energy consuming (Ethiopian Institute of Agricultural Research (EIAR), 2012).

Nevertheless, for multiple reasons, the establishment of these research institutes and injection of huge funds into various agricultural extension programs have not greatly improved agricultural productivity in the country over the last five decades (Dessalegn, 2008). Likewise, despite the change of governments and agricultural policies, the farming methods of rural Ethiopian communities have remained the same throughout the years (Workneh, 2006). In the highland areas, rural farmers are still using oxen ploughing while in the lowland areas rural farmers are still using various hand tools. These primitive farming systems – among other reasons – have been blamed for inadequate agricultural productivity in the country and continue to be one of the major explanations for the pervasive food insecurity in the country (Workneh, 2006).

Against this background of poor agricultural technology, the current LSLAs are believed to revolutionize the agricultural sector. Until recently, the amount of modern farming machinery in the country has been very limited. For instance, the number of tractors in private hands has not been more than 1,000 in the overall country of over 85 million people, of whom 85% depend on agriculture (Esayas, Interview with NHK

World TV, 31 Jan. 2010). However, with the coming of large-scale foreign investors, the amount of tractors and other complex modern farming equipment has sharply increased in the country. For instance, just one of the foreign investors – Karuturi Agro Products Plc – had nearly 100 tractors as of April 2012. Hence, regardless of whether the local communities are benefiting from these technologies or not, it is to be acknowledged that large-scale investors are changing the technological face of the Ethiopian agriculture. However, the question in this section is to investigate the claim about technology transfer from large-scale investor to small-scale indigenous farmers. In other words, are these technological developments taking place in a pro-poor manner or are they exacerbating and entrenching the marginalization of the indigenous communities?

In order to answer this question, I have looked at two sets of data. The first set is the legal and policy framework that governs large-scale land leases to determine whether it provides for technological transfer from large-scale investors to small-scale farmers. In the experience of other countries, either separate legislation is established that particularly addresses technological transfer from big investors to small-scale farmers or, in other cases, details about technological transfer are included in the land lease/sale agreements themselves (Cotula *et al.*, 2009).

The Ethiopian investment proclamation identifies areas of investment reserved only for the government, such as the transmission and supply of electrical energy and postal services, with the exception of courier services. The proclamation also identifies areas of investment that investors are only allowed to invest in through joint venture with the government, such as manufacturing of weapons and ammunition,

and telecommunication services (FDRE Proclamation No. 280/2002, Article 4). Under this proclamation, except for the aforementioned areas, all other areas of investment are open for foreign investors. Agricultural investment falls under the areas of investment that are open for foreign investors in which they are free to invest either on their own or in joint ventures with domestic investors. This is also true with regard to land lease agreements. In the land lease agreements concluded between large-scale investors and the federal government, there are no provisions that oblige those investors to support their adjacent small-scale farmers with their technology or knowledge. Therefore, the land investment legal and policy framework in Ethiopia in general is silent on technological transfer from large-scale investors to small-scale farmers. As such, the claim about 'technological transfer' by the Ethiopian government and investors seems to be only political rhetoric which is not underpinned by any piece of legislation or policy framework.

Furthermore, I interviewed small-scale farmers and concerned local government officials to determine whether there is any informal cooperation between large-scale land investors and their adjacent small-scale farmers. This is because, despite the lack of any legal obligation that requires them to transfer their technology to small-scale farmers, some large-scale investors have stated on various occasions that they also plan to empower their adjacent small-scale farmers with technology and knowledge. For instance Mr. Haile Asegide, the Managing Director of Saudi Star Ago Plc, stated that they plan in their project to work together with local communities in terms of supporting them with technology and making them their development partners (Haile, interview with ETV, 16 Feb. 2010). Other large-scale investors have also made similar statements about transferring their technology to small-scale

farmers in their localities. However, after four year of operation, the relationship between most of the large-scale land investors and their adjacent small-scale farmers seems to be antagonistic rather than cooperative. Small-scale farmers interviewed for this research were accusing large-scale investors of encroaching into their lands, failing to keep their earlier promises and working with government authorities to displace them, rather than offering cooperation. One FGD participant in the relocated Thenyi village stated:

When the government told us to leave our villages, they also told us that investors would clear the trees by bulldozers in the new locations we were told to move. However, this did not happen. We are still cutting the trees using axe and this will take us two to three years until we get proper farms (FGD – 2 – P2, 31 Mar. 2012).

Another indigenous farmer who has a larger farm (10ha) and used to rent a tractor from the local government stated that:

The investors are not willing even to rent one of their tractors out of hundreds. It could have saved me transportation cost if I just rent a tractor from the investor here 2 miles away from my farm instead of from a local government that is 30 miles away from my farm (FGD – 4 – P3, 05 Apr. 2012).

One of the large-scale farm manager interviewed for this research stated that their machines are fully occupied at the moment since they still have lots of trees to clear from the tracts of land they have been given (Interview – 8BSS, 10 Apr. 2012). Another farm manager stated that he needs an order from his superiors in Addis Ababa in order to allow machinery for any other activity outside their farm (Interview – 6BSS, 01 Apr. 2012). Hence, until now, there seems to have been no signs of

cooperation, whether formal or informal, between large-scale investors and small-scale farmers, let alone any technology transfer.

In conclusion of this section, therefore, I can say that it seems what is happening so far is only vertical technology transfer – i.e. the physical relocation of machinery from other countries to Ethiopia – and not horizontal technology transfer – i.e. transfer of knowledge and expertise within Ethiopia from large-scale farmers to small-scale farmers.⁵⁷

8.5. Increase in Tax Revenue for Local Governments

Another most cited benefit of large-scale land acquisitions is the increase in tax revenues for national or local governments (Cotula *et al.*, 2009). It is claimed that governments get direct tax income from land lease fees, income tax from employees on those farms, and indirect increase in tax income from local businesses that thrive on the back of those investments (World Bank, 2011).

However, research from different countries shows that, while the financial terms of land deals vary in different countries, official land rental fees tend to be lower and play a relatively less important role for host governments. In the eyes of host governments, broader economic benefits such as infrastructure development and employment generation are more important than direct financial gains from land rental fees (Cotula *et al.*, 2009; Omot, interview with VOA, 19 Nov. 2011). That is

⁵⁷ For a detailed discussion about ‘vertical’ vs. ‘horizontal’ technology transfer, see Leonard-Barton, 1990.

why land rental fees are made extremely low or even not charged at all in some cases (Cotula, *et al.*, 2009).

For instance, in Sudan, land rental fees are only between \$2-3 in rural areas and \$15-20 around Khartoum, which is much lower compared to the international value (Cotula *et al.*, 2009). According to one Sudanese government official, it is a deliberate government policy to only charge negligible rent to international investors because the main benefit of incoming investment is seen in its broader economic repercussions (Cotula *et al.*, 2009). In a similar way, an officer for the Angolan government stated that, “the Angolan government is not interested in making money out of the land. The government is interested in stimulating the local economy, diversifying the primary economic bases from past focus on mining and industry” (Cotula *et al.*, 2009, p.79). Therefore, expected broader economic gains explain why some governments have kept land rental fees much lower than international value in order to attract more investors.

The Ethiopian case is not different from the above-mentioned cases. In fact it confirms Cotula’s argument that land rental fees are deliberately kept low and seen as less important by host governments. The highest land rental fee in Ethiopia is \$9 per hectare per year in the Oromia regional state (Dessalegn, 2011). This is much lower compared to other African states. The lowest land rental fee in the country is in the Gambella regional state where standard rates are set between \$1.3 and 2 per hectare per year. The general low land lease fee in the country is one of the many initiatives that are imposed by the government in order to attract more foreign investors. Looking at various federal investment legislations and policies, one can

understand that, in the eyes of the federal government, land lease fee is not the most important thing. The most important thing to be gained out of those investments is the increase of exportable agricultural production (Lavers, 2012). That is why, as discussed earlier, the investment proclamation gives more incentives, including longer tax holidays, for investors who export larger amounts of their products.

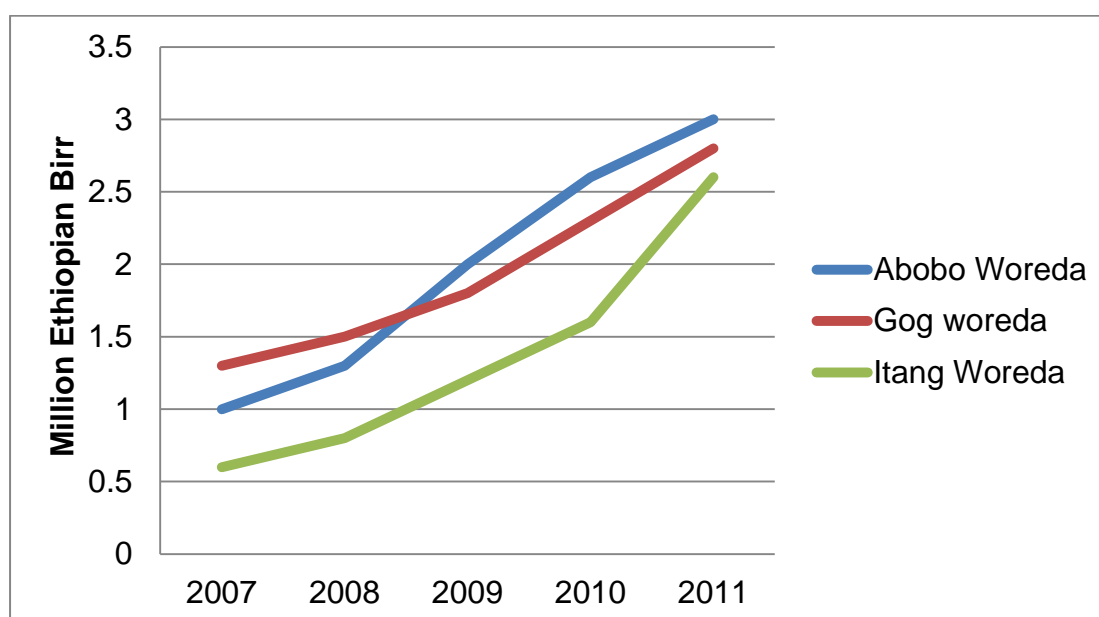
Another indicator for the lower importance of land lease fees for the federal government in Ethiopia is the fact that land fees in Ethiopia are paid to the *woreda* government level and not even to regional governments. Unlike most other African countries such as Ghana, Tanzania and Sierra Leone, where land rental fees are shared between different levels of governments (MAFFS, 2009), in Ethiopia rents are exclusively paid and used by respective *woreda* governments. One might argue that this is because of the federal system in the country. But, according to the federal constitution, the regional state government would be responsible for exercising power over natural resources, not the *woreda* governments (FDRE-Constitution, 1994, Article 51). Moreover, as discussed in Chapter six, the federal government has a reputation of violating the power-sharing arrangement when it comes to important interests. The point here is that, had the land rental fee been seen as important by the federal government, they could have recentralized it anyway, as they have done in other areas. Hence, it is not necessarily the federal system that keeps the land rental fees at the *woreda* level but it could be the fact that those fees might not be the main interest for the federal government.

Ironically, the power to determine land rental fees and to impose and lift up land rent 'holidays' is vested in the federal government. According to the federal Investment

Incentives Regulation No. 84/2003, investors who export at least 50% of their products or supply at least 75% of their products to an exporter shall be exempted from income tax for five years, or six years if the investment is located in one of the lowland regions. The Council of Ministers, a federal body, could also extend the tax holiday period if they think it is necessary. Hence, although the *woreda* governments are in charge of collecting and using land rental fees, it is up to the federal government to decide when and how much the investor should pay to the *woreda* governments.

This being said, evidence collected from three *woredas* in which this research was carried out show how large-scale land investments have sharply increased their tax income over the last three to four years. Although the largest investors (over 5000 ha) do not pay their land rental fees yet because of the tax holidays imposed by the federal government, investors below 5000 ha who do not qualify for the federal tax exemption have been bringing in considerable income to the *woredas* in which their investments are located. The following graph shows how the tax income of those *woredas* has increased over the last five years.

Figure 16: Tax Income of Three Woredas



Source: Authors direct communication with Abobo, Gog and Itang woredas finance offices.

In those *woredas*, general records do not show exactly the income from land lease fees and land investment related income. However, in Gog *woreda* for example, a senior official from the *woreda* finance office stated that the increase in tax income is due to the land lease fees collected from land investors (Interview – 14GOV, 3 Apr. 2012). In addition to land lease fees, income tax collected from employees working in those farms has also contributed to the increase of revenues in those *woredas*.

However, one official from Gog *woreda* accused the *woreda* government of mismanagement of the tax income. He said that the *woreda* government is not using this opportunity of increased tax income to develop and improve the infrastructure in the *woreda* (Interview – 15GOV, 4 Apr. 2012). In line with such anecdotal claims of mismanagement of tax income, it is confirmed by *woreda* government officials that local tax income is not used for development purposes (Interview – 14GOV, 3 Apr. 2012). According to the government's budgeting system in Ethiopia in general, there

are two main lines of budgets, which they call the 'recurrent budget' and 'capital budget'. The former refers to budget lines that are used to pay salaries, allowances, stationery, and related administrative and operation costs. The latter, however, is used for development projects and programmes such as construction of schools, clinics, roads, water wells and so on (Interview – 14GOV, 03 Apr. 2012).

According to the *woreda* budgets and, in fact, of the Gambella region in general, all local income tax collections are put under the recurrent budget, which is used for salary and operational costs of the government. The government mainly uses foreign aid money for the capital budget, i.e. for development programmes and projects. Hence, all the taxes collected from investors and other businesses by *woreda* government are all allocated to the recurrent-budget line. But, even within the general recurrent-budget line, those taxes are allocated to a specific budget line of allowances for *woreda* officials (Interview – 14GOV, 03 Apr. 2012). By the time I was carrying out this research, the schools and clinics in all these *woredas* were closed because the teachers, nurses and health extension workers had not been paid for three months. In these *woredas*, local income could have covered some of those expenses, but since it is allocated for the recurrent-allowances budget line, schools and clinics were closed while *woreda* officials enjoyed their extra allowances from those local incomes.

There are many allegations of corruption within various levels of the government. Some people argue that the increasing tax income from land investors has increased the level of corruption in the region since *woreda* government officials obtain money for which they cannot be held accountable (Interviews – 11 and 15GOV, 28 Mar. and

04 Apr. 2012). Some *woreda* government officials have been removed from their positions because of corruption cases. But in Ethiopia, where the charge of corruption is sometimes used by higher government officials as a cover to punish those who are not loyal to the system, it is difficult to prove whether those dismissals were because of genuine corruption or if they were motivated by other political reasons.

8.6. Conclusion

This chapter has critically reviewed the benefits of large-scale land acquisitions vis-à-vis the indigenous communities of Gambella in order to determine whether indigenous peoples are benefiting from those investments or not. In all of the four areas that have been investigated for this research, evidence suggests that, instead of economic empowerment and development, large-scale land investments seem to be furthering the marginalization of the indigenous communities of the Gambella region.

In terms of food security, both the land investment legal framework and land lease agreements are silent about domestic food security needs. Instead, they encourage export-oriented production and provide attractive incentives for investors who export a higher proportion of their outputs. Hence, large-scale land investments seem to be driven by the requirement for exports and foreign earnings rather than the need for domestic food security. Concerning job opportunities, evidence from selected sample projects indicates that very few permanent jobs are created by those projects. The

majority of jobs created are temporary daily labourers' jobs that pay poorly and can hardly sustain minimum living standards. Moreover, the majority of workers on those farms are actually migrants from highland parts of Ethiopia rather than people from indigenous communities from the Gambella region.

Likewise, based on the analysis of the land investment legal framework and direct interviews with some small-scale farmers, it has been argued in this chapter that, both in theory and in practice, there seems to be no sign of any technology transfer from large-scale investors to small-scale farmers. Although large-scale land investors have introduced complex farming equipment to the country, this has not changed the farming methods of the small-scale farmer. Instead, small-scale farmers are defined as incapable and pushed out of their lands, in order to give way to the 'capable' large-scale farmers. Finally, with regard to claims about financial benefits, although evidence has suggested an increase in tax revenue for respective *woreda* governments as a consequence of large-scale land investments, this increase in tax revenue has not been directed towards developmental activities of the respective *woredas*. Rather, some of my interviewees in those *woredas* believe the increase in local tax revenue has increased corruption and competition for *woreda* cabinet positions (e.g. Interviews – 11 and 15GOV, 28 Mar. and 4 Apr. 2012).

On top of those challenges, based on my interviews and focus group discussions, I have identified some of the major negative impacts of LSLAs on the indigenous communities, which I am going to discuss in the following chapter.

Chapter Nine: Negative Impacts of Large-Scale Land Acquisitions on the Indigenous Communities of Gambella

9.1. Introduction

The negative impacts of large-scale land acquisitions on the indigenous communities of the Gambella regional state may turn out to be highly significant but, since most projects are in their early stages, it is not yet possible to assess these fully. Hence, this chapter does not claim to present a full-scale and comprehensive assessment of the negative impacts of large-scale land investments on the indigenous communities. However, based on what has already been done, this chapter will try to answer the last subsidiary research question namely, **what are the negative impacts of large-scale land acquisitions on the indigenous communities of Gambella?** Based on my field research findings, I argue in this chapter that, at the moment, the most visible negative impacts of LSLAs on the indigenous communities of Gambella are: (1) the villagization programme/forced displacement; (2) cultural and environmental destruction; (3) escalation of conflicts and tensions; and (4) further marginalization of women – particularly rural women.

9.2. Villagization Programme

Villagization in Ethiopia is not a new phenomenon. It has a lengthy history starting from Haile Selassie's regime when the government established the first known planned resettlement, in 1958 in Sidamo province (Mulatu, 1991). However, the most

well-known and documented resettlement programme in the country was the one engineered by the *Derg* regime right after the 1974 revolution as part of its grand land reform policy, followed by the second phase in the 1980s where the term 'villagization' was actually employed (Mulatu, 1991).

The villagization programme in the 1980s was intended to regroup the scattered traditional villages, homesteads and hamlets of the entire rural areas into a completely new pattern of grid-plan villages, laid out in accordance with central directives (Cohen and Isaksson, 1987). The objective was ostensibly to promote economic and social development and facilitate the delivery of social services such as clinics, clean water and educational facilities (Mulatu, 1991). According to President Mengistu Haile Mariam:

Collecting the farmers into villages will enable them to promote social production in a short time. It will also change a farmer's life, his thinking, and will therefore open a new chapter in the establishment of a modern society in the rural areas and help bring about socialism (Mengistu Haile Mariam, 1986 cited in HRW, 1991, p.2).

The *Derg's* programme of villagization was so ambitious that it planned to move more than 30 million rural peasants over a nine-year period. Towards the end of the 1980s, available sources indicate that the *Derg* had managed to relocate 13 million rural peasants, mainly from the highlands of Wollo, Shewa and Tigray to the lowlands of Wollega, Kafa and Gambella, at an estimated cost of 767 million ETB (Mulatu, 1991). In stark contrast to the official rationale for villagization, which was to promote social and economic development, critics argue that the new villages became the source of forced labour for the government's grand socialist projects,

such as state-owned large-scale commercial farms, road constructions and other infrastructure development projects (Gebru, 2009).

Far from being voluntary, Human Rights Watch (HRW) argued that the programme was carried out with outright force, for example in eastern Ethiopia and Gambella regions where the *Derg* security forces committed extrajudicial executions, arbitrary detention, torture, rape, and destruction of property belonging to those who showed resistance to the programme (HRW, 1991). According to Gebru (2009), the sites for settlement were randomly selected by President Mengistu Haile Mariam and his inner circle advisors without any consultation with concerned ministries or experts in relevant fields, such as ecology, economics, anthropology and others. Moreover, Gebru (2009) argued that the programme was executed without the consent of either the settlers or the host communities. Hence, the new settlers faced harsh conditions in their new villages. One source suggests that about 50,000 Oromo people fled their new villages in eastern Ethiopia in 1986 and settled in refugee camps in Somalia (Ofcansky and Berry, 1991). According to Gebru (2009), between 1984 and 1986, as many as 33,000 settlers across the country may have died from tropical diseases and starvation, while at least 84,000, are believed to have abandoned their new villages. Hence, from an historical perspective, villagization in Ethiopia has been more akin to forced labour camps and has mostly been accompanied by gross human rights violations (Gebru, 2009; HRW, 1991; Mulatu, 1991).

Others argue that the villagization programme was a security ploy by the *Derg* regime to depopulate the then stronghold of rebel movements, particularly the Tigray and Eritrea provinces (Getachew, 1989; Mulatu, 1991). However, Gebru (2009)

dismisses this argument. He contends that the populations transferred from the Tigray region were too small to have made any strategic difference and, above all, there were no people removed from Eritrea, the stronghold of the strongest rebel movement.

9.2.1. Background to Villagization in the Gambella Regional State

The Gambella regional state has a long history of receiving settlers from the highland parts of Ethiopia, whether through voluntary movement or compulsory government programmes. The first official villagization programme in the Gambella regional state was in 1979 when the indigenous people of Gambella were evicted from the bank of the Baro River in order to make way for irrigated commercial agriculture. Then the government brought in settlers from the highland parts of Ethiopia to farms those irrigation schemes (Abela, 2003).

However, the most prominent villagization programme took place from 1984 when the *Derg* brought in 60,000 settlers from the drought-affected highlands areas of Amhara, Tigray and Southern regions (Kurimoto, 1993).⁵⁸ Contrary to the claims that the *Derg* had not consulted the host populations, some village chiefs have stated to me during my field research that they were consulted during this period about the coming of the settlers. The problem was, they were not given full information about the number of people coming or about any adverse impacts of this resettlement programme. For example, Perbongo village was one of the sites selected to receive

⁵⁸ Gebru (2009) puts the number of settlers brought to Gambella at 150,000.

a large number of settlers during the *Derg's* regime. The chief of Perbongo village described the consultation he had with the *Derg* government officials like this:

We (village council) were consulted by government officials about some guests coming to our village and that we should show a piece of land where those guests could stay. The way it was explained to us was as if those people would be only staying here temporarily for three or maximum five years until the conditions get better in their homelands. It was also as if they were only ten or fifteen families. Then we agreed to the coming of those guests and we showed a piece of land to the officials where they could stay. However, when those guests started to come, it was bus after bus and after bus nonstop for weeks. Then they filled all the land traditionally belonging to our village and even went further to other villages. I have not seen such a multitude of people in my life. We were only a few hundred in our village. But those guests were tens of thousands. We could not say anything afterwards (FGD – 3 – P2, 01 Apr. 2012).

Due to the large number of settlers that were brought into the Gambella region, the indigenous people were relocated from their farms and villages to provide more space either for the settlers or for various state projects (Kurimoto, 2005). Relocated indigenous people together with settlers were forced by the authorities to work on the new state farms. Those who did not take part in those activities faced harsh consequences. Moreover, free movement was forbidden. A person had to have a letter from a village chairman allowing him/her to leave or enter a village. Indigenous people were also restricted from fishing and hunting activities, which constitute a crucial part of their livelihoods and identity (Kurimoto, 1993).

All the above resulted in ferocious resistance to the villagization programme in particular and the *Derg* regime in general. At the height of this resistance, the

Gambella Peoples' Liberation Movement (GPLM) was formed, allying itself with other opposition fronts fighting the *Derg* until the collapse of the regime in 1991 (Interview – 15GOV, 4 Apr. 2012).

9.2.2. Current Villagization Programme

Two decades after the end of the *Derg*'s villagization programme and the fall of the regime itself, villagization is back again on the Ethiopian political scene. The former rebel movement and current dominant party – i.e. the Tigrean People's Liberation Front (TPLF), which ferociously fought against the *Derg*'s villagization programme (Ofcansky and Berry, 1991; Young, 1997) – now, after assuming power, adopts the same policy.

Towards the end of 2009, the Ethiopian government devised a plan to relocate approximately 1.5 million people in its lowland regions of Gambella, Benishangul-Gumuz, Somalia and Afar. The plan envisaged moving one million people in the Afar and Somali regions in one year and the remaining half a million in Benishangul-Gumuz and Gambella regions over a three-years period (Davison, 2010a). According to the Ethiopian state media, another villagization programme was also launched towards the end of 2011 in the South Omo zone in the SNNPRS, associated with irrigated sugar cane plantations, where 30,995 pastoralist households were villagized (WIC, 2011a).

The objectives of these new villagization programmes differ from region to region, according to Shiferaw Teklemariam, Minister of Federal Affairs (Davison, 2010a). In

the pastoralist regions of Somalia and Afar, the objectives are “primarily to resettle people in less arid areas near the Wabe Shebelle and Awash Rivers”, while in the Benishangul-Gumuz and the Gambella regions, the objectives are to “improve social service delivery” (Davison, 2010a, p.1). In his letter to Human Rights Watch’s inquiry about the villagization programme, the Minister replied that the aims of the villagization programme in Gambella are:

To provide efficient and effective economic and social services (safe drinking water, optimum Health care, Education, improved agronomy practices, market access etc.), create an access to infrastructure (road, power, telecommunication etc.) and ensure the citizens’ full engagement in good governance and democratic exercise (Shiferaw, 2011, p.100).

In line with these objectives, according to the Gambella regional state’s ‘Villagization Program Plan’, in the new villages 25 health centres, 19 primary schools, 51 water schemes, 18 veterinary clinics, 41 grinding mills, 49 storage facilities, and 195 kilometres of rural roads will be developed (GPNRS, 2010). According to the plan, at the end of the programme all the rural communities of Gambella will be grouped into towns of 500 to 600 households, each farming three to four hectares of land (GPNRS, 2010). However, the plan failed to mention critical issues such as access to water, fishing sites and cultural and environmental safeguards for local communities.

In the first implementation year of the programme (2010/2011), the regional government of Gambella claimed that it had moved 26,000 households to the new villages – way above its original plan due to the apparent keen interest of the people towards this programme (Goaner, interview with WIC, 11 Jan. 2011). While

implementation of the programme rests on the shoulders of the *woreda* and regional governments, the originator of the policy and the key force behind the whole programme is the federal government. In each *woreda* there are two federal government representatives who oversee this programme under the name of 'development advisors'. At the regional government level, there is one coordinator of the programme, who is directly appointed by and accountable to the federal government (Interview – 4GOV, 21 Mar. 2012).

Evidence collected for this research shows that the programme is far from being the 'voluntary resettlement' preached by various government-controlled media outlets. One focus group participant in Abobo *woreda*, Chubo village said:

We are not new to the resettlement programme. During the *Derg* regime we were told to move to one place in order to get services and development for our village. That did not happen until the fall of the *Derg*. After the fall of the *Derg* we returned to our villages. This time when the officials came to our village telling us about resettlement and development, we strongly refused because we know what it is. But then they [government] came by force [military force] so we had no option but to accept what we know it is not good for us. The big difference this time though is that they [government] will give our land to foreigners then we will not go back. The *Derg* did not give away our land to anybody, they just displaced us but when the right time came we went back to our villages. I am afraid our children might not be able to go back again this time (FGD – 1 – P3, 30 Mar. 2012).

Human Rights Watch has documented detailed human rights violations including forced displacement, arbitrary arrest and detention, suppression of dissent, beatings and assaults, rape and sexual violence related to the villagization programme in the Gambella regional state which might not be necessary to replicate here (HRW,

2012). However, unlike the *Derg* programme where people were moved from one region (ecological zone) to another, the current resettlement programme takes place within each region, and in the Gambella regional state it has also respected the ethnic boundaries of each ethnic group. Ethnic groups are moved within their own territories. Yet, if we take the Anywa ethnic group as discussed in Chapter five, they are categorized into three main livelihood groups: those who farm alongside the riverbanks; those who farm in upland areas; and those who practice shifting cultivation, following the forest. All the new resettlement villages for the Anywa ethnic group are planned in the upland areas (woodlands). Hence, those relocated from the riverbanks and from the forests face unique challenges and interruption of their livelihoods, which are inextricably linked with rivers and forests respectively.

9.2.3. Villagization and Large-Scale Land Acquisition (LSLA)

So what is the connection between villagization and LSLAs in the Gambella regional state? Up to now the Ethiopian government maintains that there is no connection between these two programmes. The fact that they are both taking place in the same regions at the same time is just a matter of coincidence, according to Kassaun, senior expert at the Gambella Investment Agency (Kassaun, interview with the Guardian News, 21 Mar. 2011).

However, both qualitative and quantitative data I have collected for this research indicate that there is a strong correlation between the current villagization programme and the on-going large-scale land leases. First of all, the regions that are targeted for the villagization programme are also the regions that are targeted for

large-scale land investments (MOARD, 2011). As stated earlier in Chapter seven, the official government policy with regard to large-scale land investments is to direct them to lowland regions where there is low population density. Similarly, the villagization programme also targets these lowland regions that are already identified for large-scale land investment (Davison, 2010b). Although the government maintains that this villagization programme intends to bring development to the communities of those regions, it is a view held in these communities that the programme is to make more land available for potential commercial land investors or for expansion of the existing investors (FGDs – 1, 2 and 3, 30 and 31 Mar. and 01 Apr. 2012).

Secondly, in the Gambella region, villagization is targeting *woredas* that are more convenient for large-scale land investment due to their proximity to the regional capital, major road infrastructures and water resources. For instance, the *woreda* most affected by the villagization in the Gambella region is Abobo *woreda*, located only 40km from the Gambella regional capital. Abobo is one of the most fertile *woredas* in the region and has been supplying the region with maize and other agricultural products. The Alwero dam that was constructed during the *Derg* regime and remained unused until recently is also located in this *woreda*. When foreign investors began to flow into the region, most of them, such as the Saudi Star Agro Plc, were directed to this *woreda*. From the very beginning, Saudi Star Agro Plc. has publically stated their intention to expand their lease holding from their current holding of 10,000 ha to 500,000 ha over the coming five years (Haile, interview with Ethiopiafirst, 26 Feb. 2010). In October 2012, I heard the news that Saudi Star had signed another land lease deal of 129,000 ha in Abobo, which brings their total land

lease to 139,000 ha in the Abobo *woreda* (ARS, 2012). The point here is that Saudi Star cannot expand without villages in the Abobo *woreda* being relocated. Even under their previous land lease of 10,000 ha, five villages were relocated.⁵⁹ According to the Gambella regional state's 'Villagization Program Plan', all the other villages in the whole *woreda* will be relocated by calendar year 2012/2013 (GPNRS, 2010).

Hence, for the local people, the villagization programme is a strategy by the government to make more land available to enable the existing investors to expand in the near future or for the potential investors that are still flowing into the region. Other *woredas* that are targeted for the villagization programme, such as Itang, Abol and Gog, are also the ones that are more convenient for large-scale land investment in terms of close proximity to the regional capital, accessibility and availability of water resources.

Thirdly, according to my findings, the arguments that the government is giving for its villagization programme are very questionable. The arguments about social services and development infrastructures do not really apply to some of the *kebeles* that have been relocated. As I have already mentioned, the *woredas* that are targeted for the villagization programme in the Gambella regional state are those that are in close proximity to the regional capital and already have roads. Most of the *kebeles* in those *woredas* also already have schools, clinics and clean water provision. In my analysis, I found that there is a strong correlation between the number of investors in one *woreda* and the number of villages targeted for villagization. As the number of

⁵⁹ These villages are: Awetajwiewo, Ochakchalla, Thenyi, Lurakilu and Perbongo-Oma.

investors increases in one *woreda*, then the villagization programme also grows. For example, the first phase of villagization (2010/2011) targeted Abobo, the *woreda* most wanted by investors at the time. The second phase of villagization (2011/2012) targeted Gog and Itang *woredas*, where many investors were flowing at that time. Hence, while there is a strong correlation between large-scale investors and villagization programme, there is no correlation between the villagization programme and relative development needs of the respective *woredas*.

Finally, the attention that the federal government has given to the villagization programme and the involvement of the military has created suspicion even among those sympathetic to the programme. If it were for pure development purposes, then one would expect that the government would have taken the time to engage in dialogue to convince people to move rather than using force to move them. However, in all the *kebeles* that were moved, temporary military camps were set up to prevent villagers from returning. Once the villagers are forced to move, anyone who goes back is accused of being 'anti-development' and faces harsh consequences. For *woreda* officials and other civil servants, if they question the programme in a meeting with federal representatives then they are also accused of being 'anti-development' and risk losing their job at best or going to jail at worst. Therefore, local officials suspect that the federal government would not have put so much pressure on the regional government for the villagization programme unless it has a vested interest attached to the programme, which is most likely to make more land available for commercial land investors (Interviews – 4 and 6GOV, 21 March, 2012).

9.3. Environmental, Social and Cultural Impacts

As stated in the introduction section of this chapter, due to the fact that many of the projects are either in their early stages or have not so far actually utilized all of their land leases, many environmental, social and cultural impacts of these projects are yet to be determined. Hence, because of this limitation, this section does not pretend to and cannot be expected to present a full-scale environmental, social and cultural assessment of the impacts associated with large-scale land investments. However, based on the current activities of the investors and the existing regulatory framework and enforcement mechanisms, some conclusions can be drawn about the environmental, social and cultural impacts of those projects on the indigenous communities in particular and on the country in general.

Ethiopia already has more than its fair share of environmental problems in the form of periodical droughts, land degradation, biodiversity loss, toxic and household wastes, air pollution and general environmental vulnerability due to climate variability (MoWR and NMA, 2007). One of the biggest environmental threats facing the country is the alarming rate of deforestation. In the highland parts of Ethiopia, the rate of deforestation is estimated to be in the range of 80,000 ha and 200,000 ha each year. Consequently, it is estimated that Ethiopia loses 30,000 ha of its productive land every year with 2 million ha already having been irreversibly damaged as a result of erosion and soil degradation (Taddese and Peden, 2006). In the lowland regions, such as those of Gambella and Benishangul-Gumuz where most of the current large-scale land investments are taking place, there are no studies so far on the rate of deforestation. However, at the moment, it is clear that much of the land that has either already been leased to large-scale investors or is

still in the federal land bank marketed as available for investment is in areas that are covered by forest or woodland. All these huge tracts of land that have been leased out to investors are going through deforestation, with significant parts of those regions (10% and 13 % of the total area of Gambella and Benishangul-Gumuz regions respectively) already being cleared by bulldozers. If all of the area in the Gambella region marketed by the federal government as available for investment is leased out to investors, it means that 47% of the region will be cleared of forests and woodlands in the coming few years, excluding those areas that are already cleared by the indigenous communities as part of their shifting cultivation (OI, 2011a). Even in situations where indigenous communities are displaced from their farms, they would simply migrate deep into forests and woodlands and clear additional areas for their livelihoods, as the Majang people are doing (FGD – 9, 14 Apr. 2012).

In addition to deforestation caused by both large-scale and small-scale farming, high financial return from charcoal production is also fuelling the scale of deforestation in the country as a whole and in the Gambella region in particular. Although charcoal production is forbidden by law in Ethiopia, it is a common practice and widespread in both rural and urban areas (Ayalneh, 2002). According to local testimonies and personal observation, instead of farming, some domestic investors in the Gambella region only cleared the trees on their plots of land for charcoal. After they had cleared all of the trees on their plot of lands, they just abandoned their landholdings and went back to their regions of origin. Among the 27 domestic investors mentioned earlier whose investment certificates were revoked by the government, many of them were those who just abandoned their land lease after they used the trees for charcoal. Based on my own observation, large-scale foreign investors do not seem

to be involved in the charcoal business. According to local testimonies, they clear their lands with bulldozers and then burn the debris and the cleared woods (Interviews – 12 and 13IND, 03 Apr. 2012).

Deforestation has severe ramifications for the indigenous peoples of Gambella. The forests and woodlands are critical to all aspects of life for the indigenous communities. They use forest products for building materials, firewood, food, and medicines, among other purposes. In terms of food security, forests have been the major source of food supplies for most of the indigenous communities. For the Anywa, forests and woodland are crucial during periods of food scarcity. In certain areas, even during a good harvest season, the Anywa collect roots and fruits from their forests and woodlands to vary their nutrition. According to my personal experience and to the testimonies collected for this research, forests and woodlands cover $\frac{1}{4}$ of the livelihood needs of the Anywa people. Hence, deforestation in the Gambella regional state is already producing irreversible environmental and social damages to the Anywa communities.

While deforestation in the Anywa areas has severely affected their livelihoods, the loss of livelihoods among the Majang people is even worse. As already discussed in Chapter five of this thesis, the case of the Majang people provides a striking illustration of the impacts of large-scale land investment on minorities and marginalized indigenous communities. As already discussed, the Majang's total population is about 24,000, according to the latest national census (CSA, 2007). They live in thick forests between the highlands of Ethiopia and lowland Gambella. As forest dwellers, their livelihood is inextricably interwoven with forest products.

Hunting, beekeeping and shifting cultivation form the major source of their livelihood (Strauder, 1971). Since the *Derg's* regime, the Majang people's livelihood has been under constant assault from big state-owned tea and coffee plantations but also mainly from individual highlanders who have continued intruding into the Majagnir forests. As the highlanders migrate to Majang areas, the Majang migrate deep into forests to avoid conflicts. At the moment there are many villages, starting from Godere town itself, capital of the Majang zone, which keep the Majang name but are devoid of any Majang residents. Against this background, the current large-scale land investment just seems to be the final nail in the coffin of the Majang people's cultural identity and livelihood.

As a consequence of the deforestation, significant environmental impacts that are already being observed by local communities include: the loss of wetlands, impacts on water sources and water quality and quantity, decrease in quantity and quality of wildlife populations and habitat, and reduction in biodiversity. Other studies have shown the importance of wetlands for local communities in terms of regulating river flows, acting as a buffer against floods, and also serving as areas of high biodiversity and recharging groundwater supplies (Yilma and Kim, 2003). However, these areas are now being leased to investors without any safeguards for these investors to protect wetlands located in their lease areas. In fact, in one interview, the Karuturi's farm manager stated that while "in India we face the problem of [obtaining] water for farming, in Gambella water is the problem for our farms. Here we spend lots of money draining wetlands in our farms" (Karmjeet, interview with the Guardian, 21 Mar. 2011).

Other experts are concerned about as yet unmeasurable environmental impacts that are commonly associated with industrial-style agriculture such as increased toxicity, creation of new weeds, disruption of nature's system, and the spreading of genetically engineered genes to indigenous plants (OI, 2011a). So far, the use of pesticides and fertilizers seems to be still very limited. However, this could change sometime very soon. Some investors have stated that they plan to use chemicals once they start full-scale agricultural development on their farms. Yet, some of the farm managers interviewed for this research were not aware of any regulation regarding the use of chemicals (Interviews – 6 and 7BSS, 01 and 02 Apr. 2012). The draft Environmental Code of Conduct for Agricultural Investors (2010) contains several guidelines for pesticide use including lists of approved chemicals, basic environmental protection measures, and employee health and safety guideline precautions. The federal Pesticides Registration Proclamation (Proclamation No. 20/1990) outlines safe handling procedures, registration procedures, and human safety considerations for pesticides. However, these laws seem to be not well known by the investors, including the regional government officials who are expected to enforce them. At the regional government level there is a shortage of both human expertise and material infrastructure in this particular field of agrichemicals, making the enforcement of these laws very improbable.

In addition to the above-mentioned environmental impacts, indigenous communities are also worried about the impacts of large-scale land acquisitions on their cultural identity and values. For instance, for the Anywa people forests are not just trees. Forests carry spiritual meanings that are inextricable from the Anywa identity and ancestral heritage. This is manifested in the Anywa traditional religion in which

certain forests are seen to be sacred. Not only do people refrain from cutting trees in these forests, but also walking through these forests with shoes and modern clothes is seen as inviting a curse upon one's own fate. Certain trees are revered by the Anywa people because they are believed to be the dwelling places of ancestral spirits, and local chiefs are buried under these trees. That is why in Anywa traditional religion every forest belongs to a certain village and both the village and the forest carry the same name (Ojot, 2002). Therefore, according to local testimonies and my previous research work on the Anywa traditional religion, the on-going destruction of the Anywa forests is not only causing damage to the Anywa's subsistence economy but also to their psychological and spiritual well-being as a community (Ojot, 2002).

9.4. Escalation of Conflicts

Against the background of marginalization of the indigenous communities and historical conflict dynamics in the Gambella region discussed in Chapter five, it would not be surprising to talk about the contribution of the current LSLAs to the conflicts in the region. By the time I was carrying out my field research, I personally witnessed and heard about anecdotal incidences of large-scale land investment-related conflicts between the indigenous communities and highlanders. Those conflicts intensified rapidly within a few months.

As mentioned earlier in Chapter two, in January 2012, two indigenous people working as daily labourers for one foreign commercial farm were shot dead by the security personnel of the company (military forces) after a minor dispute. On 16

February 2012, unknown gunmen killed two policemen and attacked a vehicle belonging to Saudi Star Agro Plc, wounding two men. In retaliation, the government (military forces) immediately blamed the indigenous Anywa community and killed two indigenous Anywa people in Okuna village and arrested others whom they thought were relatives of the suspects. On 12 March 2012, 19 civilian people (all highlanders) travelling to Gambella were also killed by unknown gunmen. Without investigation, the government (military forces) retaliated on civilian indigenous Anywa people living in Gambella town and villages around Abobo *woreda*, killing 13 people. About 21 people were also arrested, accused of being relatives of the suspects. The whereabouts of those people remained unknown by the time I left the region at the end of April. No group has taken any responsibility for these two attacks and there is no explanation from the government's side concerning any possible motives behind those killings. According to the government mass media, the two attacks – i.e. the 16 February and 12 March 2012 – were only barbaric acts of terrorists (ETV, 13 Mar. 2012).

On 28 April 2012, another incident happened. This time, unknown gunmen attacked one of the camps for Saudi Star Agro Plc workers and killed four Pakistani nationals (agricultural experts), six military personnel guarding the camp and three Ethiopian workers (WIC, 2012c). Few days later, a political organization called 'Gambella Democratic Movement' posted a press release online saying:

On April 29, 2012, in Akobo District of Gambella, Meles Zenawi's soldiers attacked the Military wing of Gambellan Democratic Movement (GDM) force. The attack was repulsed by the Commander-in-Chief of GDM, Ngeli O. Opiew, and his small contingent troops who were

traveling with him. Within 30 minutes of heavy engagement, the attackers ran away leaving their dead behind (GDM, <http://www.gambelatoday.com/Home.htm>, 6 May 2012).

According to the press release, “GDM...was formed by sons and daughters of Gambella to fight for the right of indigenous people of Gambella”. The press release did not specifically refer to the April 28 attack on the Saudi Star Agro Plc farm. More specific to large-scale land investment, the press release stated that:

GDM wants to announce that unless the terms of land grab in Gambella region are reversed in favour of Gambella people, there won't be peace in the region. GDM will fight to stop the sale of Anyuaks' land to foreigners and for the return of displaced Anyuaks to their ancestral lands from concentration camps. GDM will not sit by ideally and allow the likes of Karuturi Global, Saudi star, and others exploit Gambellan people (GDM, <http://www.gambelatoday.com/Home.htm>, 6 May 2012).

Although this organization (GDM) has not specifically taken any responsibility for the previous attacks, it has directly linked the mounting insecurity in the region with LSLA. Before the escalation of those conflicts, early in February 2012, Human Rights Watch had accused the Ethiopian government of forcing thousands of Gambella's indigenous peoples from their land to make way for large-scale commercial investors, leaving the indigenous peoples hungry and impoverished (HRW, 2012). In the same report, HRW warned the government of possible outbreaks of violent conflicts as a consequence of its ill-devised policies and programmes. The Gambella case illustrates how large-scale land acquisitions can fuel existing tensions or create violent conflicts. According to my focus group discussions in Abobo *woreda*, where most of the recent violence occurred, participants stated that the recent escalation of conflicts is a direct consequence of absolute lack of participation of the indigenous

communities in the process of large-scale land investments and their marginalization from related benefits (FGDs – 1, 2 and 3, 30 and 31 Mar. and 01 Apr. 2012).

In addition to such conflicts directed towards the government and investors, massive influxes of labourers from highland parts of the country are also causing tensions with local populations. Many of my FGDs' participants indicated their concern about the influx of labourers from other areas who are increasing pressure on the already limited resources. Past experiences show that many labourers coming from highland parts of the country normally quit their work as labourers and start other businesses such as charcoal production by clearing forests upon which the local communities rely for their livelihoods (Interviews – 10 and 11IND, 02 Apr. 2012). Studies elsewhere have suggested that environmentally-induced conflicts are most likely to occur under conditions of political instability and regional insecurity; rapid population growth and abnormal mobility; social inequality such as disparity in wealth among ethnic groups; economic deprivation and increased vulnerability; weak governance and legal environment; and inability of institutions to manage scarce resources and conflict (ACCORD, 2011; Clark, 2007; Kameri-Mbote, 2005). The contemporary large-scale land acquisitions in lowland regions seem to be creating those conducive conditions for environmentally-induced conflicts by encouraging, amongst others, abnormal mobility, political instability and economic deprivation or increased vulnerability of the indigenous communities.

At the village level, even without outsiders' involvement, land investment intensifies competition for resources among the indigenous communities themselves. As discussed in Chapter five, Gambella had already experienced various conflicts

among indigenous communities long before the coming of commercial land investors. Those conflicts are directly linked with land and water resources. The biggest ethnic groups in the region, the Anywa and the Nuer, have fought violent conflicts over these resources for the past decades. The fact that these resources are now becoming more limited means that inter/intra ethnic conflicts are very likely to increase both in volume and intensity. While conducting my field research, I did not witness any inter/intra ethnic conflict among indigenous communities related to those land investments but such concerns were repeatedly expressed by many indigenous communities whom I interviewed.

Therefore, as discussed in Chapter five, given the fragility of the region with regard to resource-based conflicts among the indigenous communities and their historical marginalisation and exploitation by the centre, the current trend of LSLA tend to be already intensifying the existing conflicts and creating new conflict dynamics in the region.

9.5. Impacts on Women

In the Gambella regional state, although access to land in general has not been such a burning issue as in the highland parts of Ethiopia, competition over access to good land close to water resources has been a very common source of contention in rural areas. Women-headed households most often do not acquire these lands close to water resources, which results in lower production in their households compared to those of their male counterparts. This situation is now compounded by large-scale

investors, who are pushing villagers far away from water resources. As this happens, women-headed households are given the most marginal lands, which are difficult to cultivate. Some women have left the new plots of lands they were given by local authorities and migrated to urban areas because of the unproductiveness of those lands. One woman from the relocated Thenyi village stated that:

The land I was given was not good for anything. I tried it with maize, sorghum, sesame, and ground nuts, it did not produce anything. I moved to this place [*Woreda* capital] to try another life by making local beer. But I don't have much experience in this; I have been good in farming and that is how I have been making living and raising my children. This is all because of the foreigners [investors] who have taken our land and moved us to a different place (FGD – 2 – P1, 31 Mar. 2012).

In other villages, large-scale land investors have caused the movement of villagers not only from water resources but also from forests that locals use for collecting firewood, construction materials and other functions. In these new villages, women complain about the long distances they have to walk in order to collect firewood and fetch water. One woman from the relocated Pochala village stated that:

In the old village, my home was situated between the river and the forest that we use for collecting firewood. It is like going from nose-to-mouth. I can do both anytime of the day even in the evening. But in this dry place, it takes half a day to fetch water and you need the whole day to collect firewood. The government keeps promising that there will be a hand water pump but there is nothing going on so far (FGD – 5 – P1, 06 Apr. 2012).

This is even worse for women-headed households who have to provide labour for both the farm and household. It is just impossible for them to work on the farm, fetch

water, collect firewood and prepare food for their children at the same time. This is having a negative impact on girls' education because in the end they have to assist their mothers in one way or another, which limits their time for education or they just drop out of school. According to one NGO worker who is specialized on gender issues, large-scale land investments in general and the villagization programme in particular are negatively affecting women and girls in specific ways, which I am not able to discuss here due to it being beyond the scope of this thesis (Interview – 6IND, 26 Mar. 2012).

9.6. Conclusion

As stated in the introduction section of this chapter, it might be too early at this stage to discuss the full-scale negative impacts of large-scale land acquisitions on the indigenous communities. However, based on the projects that have already been in operation for the last three to four years and on the regulatory framework, this chapter has discussed four major areas in which large-scale land acquisitions are already negatively impacting on and disrupting the livelihood and well-being of the indigenous communities. The villagization programme, in which local communities are relocated from fertile areas to marginal lands in order to make way for large-scale land investors; environmental impacts, in terms of deforestation and likelihood of pollution of water resources as a consequence of agrochemicals use; escalation of existing tensions and transformation of grievances into open conflicts; and further marginalization and destitution of indigenous women are all identified as some of the

major areas in which large-scale land acquisitions are already impacting on the lives of the indigenous communities in the Gambella region.

Chapter Ten: Impacts of Large-Scale Land Acquisition on Ethnic Federalism

10.1. Introduction

If we are not in control of our land and do not have power on decisions related to our land then where can we exercise our right to self-determination and where is ethnic federalism in general? (Interview – 7IND, 26 Mar. 2012).⁶⁰

This is how one expert on federalism from the Gambella region responded to me when I asked him about the possible impacts of LSLA on the right to self-determination and regional autonomy. The aim of this chapter is to establish the link between the preceding chapters and therefore answer the major research question of this thesis namely: **Is the contemporary phenomenon of large-scale land acquisitions in Ethiopia redefining indigenous communities' right to land and what are the implications of this redefinition for the ethnic federal system?**

Based on my field research findings, most of which I have already discussed under different themes in the preceding chapters, this chapter and, in fact, this thesis argues that large-scale land acquisitions in lowland regions of Ethiopia such as the Gambella regional state is altering the ethnic federal arrangement in fundamental ways. According to the comprehensive analysis in Chapters seven, eight and nine against the four principles of federalism identified in Chapter three, it is argued here that LSLA is shifting the power in favour of the federal government by undermining the core principles upon which most federal systems around the world are founded.

⁶⁰ This interviewee has an MA in federalism.

In addition, LSLA is also inadvertently delegitimizing the key ingredients (such as empowerment of ethnic identities) that necessitated the introduction of ethnic federalism to Ethiopia in the first place.

Before I proceed to elaborate on these arguments, in the first two sections of this chapter I will reiterate in practical terms the connections between LSLA, indigenous peoples, and federalism discussed in Chapter three. In the first section, the meaning of land for the indigenous Anywa people of Gambella will be discussed. Then, in the second section, I will discuss the relationship between territorial identities and the Ethiopian ethnic federalism system. Against this background, the last section then discusses the direct and indirect impacts of LSLA on ethnic federalism in Ethiopia. In other words, what is the impact on the ethnic federal arrangement in Ethiopia of leasing out huge amounts of land (in the case of Gambella, 47% of the total land mass of the region) and forcefully evicting local communities?

10.2. The Meaning of Land among the Anywa Indigenous People⁶¹

While most of the existing literature on the contemporary LSLAs treat land only as a productive economic resource (Cotula *et al*, 2009; GRAIN, 2008; World Bank, 2011), for the Anywa indigenous people in Gambella land is something more than a productive economic resource. It encompasses culture, homeland, spirituality, natural environment, and other natural resources such as forests and rivers/water

⁶¹ Here I only discuss the meaning of land among the indigenous Anywa people of Gambella for the sake of the thesis word limit and also since I have previously conducted in-depth research on the Anywa traditional religion.

resources. In order to understand the significance of land for the Anywa people, we need to look at the meaning of Land in the Anywa language. In the Anywa language 'land' is translated as '*ngom*'. The term '*ngom*' is a very broad and rich concept. It can be translated as 'soil', 'territory', and 'homeland'. Each of these terms is discussed as follows.

10.2.1. Land (*ngom*) as 'Soil' among the Anywa Indigenous People

Land (*ngom*) as 'soil' grows food and other important plants that are crucial for the Anywa livelihoods. In the Anywa mythology, 'soil' and 'rain' are the providers of life (Ojot, 2002). Soil also represents the continued attachment of the Anywa people to their ancestors, who were buried in the soil and therefore have become part of the soil. Hence, not every soil is the same. Soil from one's own home village carries special meaning. The soil in your village is made up of your ancestors and one day you will also be part of that soil. That is how the Anywa justify their tradition that if an Anywa dies somewhere else, he/she has to be brought back to his/her home village because that is where his/her ancestors belong and to where he/she is supposed to return. In this respect, the Anywa people say, "we are the soil and the soil is us" (FGD – 3 – P2, 01 Apr. 2012).

For the Anywa people, soil also represents 'truth' and 'justice'. In the Anywa traditional conflict resolution and justice system, before disputants or alleged offenders explain themselves in front of the council of elders, they will be required to 'test' the soil from the village as a symbol of swearing that what they are going to say

is true.⁶² The belief behind this ritual is that if you lie to the council of elders then you are not only lying to the existing people but also to the spirits of your immortal ancestors, from whom you cannot hide anything. Likewise, village chiefs are also required to test the soil before delivering a final judgement as a way of swearing that their judgment is fair and not influenced by any personal interest towards the disputants or alleged offenders. In a similar manner, in the Anywa political system, when chiefs and kings are crowned, they will be required to test the soil from the village to confirm that they will put the interest of the village before any other thing. All these ceremonies and rituals cannot be performed in any other place but only in one's own home village where one's ancestors have been buried. The soil that one tests should be from the village, not from any other place. In short, this conflict resolution and justice system cannot work anywhere else but requires that attachment to a certain geographical area (Ojot, 2002).

10.2.2. Land (*ngom*) as 'Territory' among the Anywa Indigenous People

When it comes to the meaning of land or '*ngom*' as territory, this encompasses the natural resources, such as rivers and the living beings in them, forests and animals, woodlands and all the small and big creatures living and surviving in that environment. The territory does not only belong to the human beings but also to all living beings that inhabit it: they are all part of the territory. In this regard, in the Anywa culture people do not have right to destroy the forest, because it does not belong to them alone but also to the rest of the living beings dwelling in these

⁶² 'Test' refers to the ritual among the indigenous Anywa people of touching the soil with their index finger and putting the finger on the tip of their tongues.

forests. As human beings have their ancestors buried in the soils of these territories and have become part of the territories, so do the animals, the trees, even the smallest insects. The concept of territory in the Anywa culture, therefore, it is not that of the human being controlling and commanding the way in which the territory and its environment has to be governed and exploited, but that the human being is only part of the bigger community of the living beings taking care of and benefiting from the territory and its environment. In this regard, the water resources have to be used in a way that does not disrupt the survival of the fish and other living beings in it, and the same is true with regard to the forests and other natural resources (FGD – 4, 05 Apr. 2012; Ojot, 2002).

10.2.3. Land (*ngom*) as ‘Homeland’ among the Anywa Indigenous People

Finally, land or ‘*ngom*’ as a ‘homeland’ carries multiple political meanings related to freedom, peace and justice. Under this meaning, land represents the ultimate right to freedom, peace and justice in one’s own land. This applies not only to human beings but also to animals and other living beings that inhabit a particular territory. According to an Anywa woman in Gog-Jangjor village:

There is nothing like homeland. Every person and every animal has its own homeland. In your homeland you can travel at night without fear of anything because the land you walk on knows you, the animals know you, including the birds they know you, and you know them too because you can recognize their singing. In your homeland you are all one family with other creatures. The dangerous animals like lions and snakes from your homeland do not harm you when you meet them in the forest (FGD – 4 – P1, 05 Apr. 2012).

In fact, in Anywa traditional religion, like Hinduism, the people believe in reincarnation – i.e. the belief that after biological death the spirit/soul begins a new life in a new body that could be human, animal or spiritual being. However, unlike Hinduism, in which someone's reincarnation depends on the moral quality of the previous life's actions, in Anywa traditional religion someone's reincarnation is already predestined to become their paternal family's spirit. Whatever lifestyle someone pursues, after death their soul will turn into a particular animal, bird or fish depending on the spirit of their clan. Some clans' spirits after death become lions, some become particular types of snakes, etc. Those animals are banned as non-eatable and therefore cannot be killed by the villagers. This is different from village to village. For example, crocodiles are non-eatable in some villages because they are attached to the spirits of some clans, which is not the case in other villages where they are not attached to the spirit of any clan (Ojot, 2002). The point here is that enjoyment of freedom under the notion of homeland in the Anywa worldview also extends to other living beings that are considered as the natives of a particular village. Even for the animals that can be eaten, people are allowed to kill only what is proportionate to their consumption needs at a particular time. In short, homeland for the Anywa means a territory where one exercises full freedom and responsibility not only in one's relation and interaction with other people but also with other living beings.

Hence, based on the above discussion of the different meanings of land in the Anywa language and mythology, it is not difficult to imagine what the contemporary LSLA means for those people. As an Anywa elder stated:

This is not only 'soil grabbing', but is also 'territory grabbing' and 'homeland grabbing' for us...what is being taken from people is not only a productive resources but also the overall wellbeing, culture and identity of the people (Interview – 2IND, 22 Mar. 2012).

It is in this respect that this thesis is trying to broadly see land from the perspective of the indigenous peoples and then comprehensively determine the impacts of LSLA on the indigenous peoples' rights and state-communities' power relations.

10.3. Federalism and Territory

There has been a historical marriage between political federalism, land and territory. Many of the federal states in existence today embraced federalism first and foremost to accommodate territorial differences within their own national boundaries (Kymlicka, 2001). As discussed in Chapter three of this thesis, federalism as a system of governance emerged as a way of providing for self-rule/sovereignty for sub-state territorial units and at the same time shared-rule at the national level for these units (Elazar, 1987; King, 1982; Watts, 2008). The classical federal state of Switzerland evolved from a loose confederation of three independent states that wanted only to unite and coordinate their defences against outside enemies and to avoid war between the member states (Iff and Topperwien, 2008). Likewise, the founding fathers of American federalism had to grapple with the question of striking the right balance between territorial self-rule of the member states and shared-rule at the federal government level (Riker, 1987).

Hence, although some federal states in existence today adopted federalism for administrative, service delivery and other purposes, the main reason behind the introduction of federalism in many states was to accommodate territorial differences (Kymlicka, 2001).

For instance, in Nigeria, federalism was introduced during the first Nigerian Democratic Republic (1960-1966) to preserve territorial autonomy for the country's three major ethnic groups, namely, the Muslim Hausa-Fulani of the 'Northern Region', the Christian Igbo in the southeast 'Eastern Region' and the religiously mixed Yoruba in the southwest 'Western Region' (Suberu, 2006). The same is also true of India's first linguistic federalism in which the country was divided into four kinds of states, as articulated in the 1950's constitution (Bhargava, 2006). Hence, the existence of a definable territory upon which certain groups' rights to self-determination and autonomy could be recognized has become one of the major characteristics of political federalism.

In the case of Ethiopia, federalism was introduced to specifically accommodate territorially-defined ethnic diversities. This is clearly pronounced in the constitution's Article 46:2, which states that federal sub-units "shall be delimited on the basis of the settlement patterns, language, identity and consent of the peoples concerned." Accordingly, out of the nine federal sub-units, six of them carry the same name for both the regional state and the dominant regional ethnic group.⁶³ Hence, Ethiopian federalism is constructed on the basis of congruence between ethnic identity and specified territorial boundaries. Despite some challenges of locating each ethnic

⁶³ These regions are: Afar, Amhara, Harar, Tigray and Somali regional states.

group within neatly defined territories, Ethiopian federalism has employed ethnicity as its fundamental organizing principles. That is why it is now commonly referred to as 'Ethnic Federalism'. Therefore, although the relationship between federalism and territory is a well-known tradition among the well-established federations, the Ethiopian federalism's unique emphasis on ethnic self-determination makes my argument here even stronger.

10.4. Direct Impacts of Large-Scale Land Acquisitions (LSLA) on Ethnic Federalism

By 'direct impacts', I am referring to official policies or practices that contradict or challenge some of the basic principles of federalism in general and the Ethiopian federal system in particular. Although there could be many other such impacts, based on the theoretical discussions on federalism in Chapter three, this thesis discusses the following four major challenges of LSLA to the Ethiopian ethnic federal system.

10.4.1. Formalization and/or Institutionalization of Recentralization

One of the impacts of the contemporary large-scale land acquisition on the federal system in Ethiopia is what I see as the formalization and/or institutionalization of recentralization of powers that are constitutionally assigned to regional governments by the federal government. The recentralization of political powers by the federal government has already been extensively discussed in Chapter six of this thesis.

Although recentralization attempts by the federal government are not a new development in the actual practice of federalism in Ethiopia, what makes the current recentralization methods related to LSLAs special is their formalization or institutionalization.

Until recently, most of the recentralization methods employed by the federal government have been informal and covertly or openly implemented alongside the formal federalist structures. Despite their prevalence, these informal recentralization methods have not been institutionalized. In cases where they are institutionalized, like in the case of the Ministry of Federal Affairs, that is seen as an instrument of control by minority regions (Assefa, 2006; 154); its objectives do not contradict or impinge on the constitutional division of powers. For instance, as quoted earlier in Chapter six, the powers and duties of the Ministry of Federal Affairs, according to Proclamation 256/2001, are to:

1. In cooperation with regions, ensure that public peace and order is maintained.
2. Without prejudice to the provisions of Article 48 and 62:6 of the federal constitution, facilitate the resolution of misunderstandings arising between regions.
3. Give assistance to the regions, with particular emphasis on the less developed ones.
4. Supervise and coordinate the executive organs (mainly the Federal Police Commission, the Federal Prison Administration, the National Urban Planning Institute and Addis Ababa and Dire Dawa city administrations).

Despite any other limitations, looking at this list of functions, we do not see anything contradictory to the Ethiopian federal constitution nor to any other federal principle. In fact, the functions seem to have been designed in order to facilitate federalism and support regional states in the exercise and enjoyment of their right to self-

determination. The major problem and criticisms against this ministry lie in its practices not really in its official objectives or claimed responsibilities (Aalen, 2002; Asefa, 2006; Young, 1999). Other institutions that the federal government has so far used to recentralize regional states' powers have also been created under federalism-friendly mandates except that, in practice, they run completely different businesses.

However, with the coming of large-scale foreign land investors, the federal government seems to have embarked on formalization and institutionalization of its recentralization efforts. In an attempt to attract more large-scale foreign investors and take control of the processes of large-scale land investments, the federal government had put in place new laws and regulations and created new institutions that seem contradictory to the ethnic federal arrangement that was introduced in 1994. For the sake of brevity and in order to allow detailed analysis, here I discuss only the 'Investment Incentives and Investment Areas Reserved for Domestic Investors Council of Ministers Regulations No. 84/2003' and the 'Agricultural Investment Support Directorate (AISD)'.

A. Investment Incentives and Investment Areas Reserved for Domestic Investors Council of Ministers Regulations No. 84/2003

According to this regulation, as discussed earlier in Chapter seven, investors, whether foreign or domestic, who export more than 50% of their products or supply at least 75% of their product to an exporter as a productive input are eligible for income tax exemption for five years or more (Article 4:1a, b). Likewise, according to

this regulation, all investors are allowed to import, free of custom duty, all construction materials, capital goods and spare parts for the establishment or upgrading of their enterprises (Article 8:1). In addition to these incentives, the land rental rates in Ethiopia are made extremely cheap, starting from \$1.3 per hectare per year – the lowest rate in the country in the Gambella regional state – to \$9 per hectare per year – the highest rate in the country in the Oromia regional state (See Table 4). These rates are extremely low not only compared to the global land value but also compared to other African states (World Bank, 2011).

These financial incentives *per se* are not necessarily the problem for the federal arrangement. The question is about the legality of the regulation itself, whether the federal government has a right to enact it under the federal power-sharing arrangement or if this should have been left up to the legislative bodies of the respective regional states. On this question, according to my analysis of the literal text of the constitution and through comparison with other federal systems, it seems that it should have been the responsibility of the legislative bodies of respective regional states to decide about investment incentives. Since the power of land administration and collection of land rental fees belong to the regional governments as a matter of constitutional right not a delegated role, then it should have been also the regional governments who decide the tax rates and incentives related to taxation in this particular area. It is, in fact, paradoxical here that, while the regional governments are empowered to collect land rental taxes, the federal government decides when and how much investors should pay. In other federal countries like Switzerland, it is the responsibility of the Cantons to decide their tax rates, except for federal taxes. In some Cantons, tax rates are decided by the Canton's parliament,

while in the majority of them it is decided by referendum – i.e. tax rates must be approved in a formal popular vote (Iff and Töpperwien, 2008).

The Swiss experience raises another question for the legality of the body that issued the Ethiopian ‘Investment Incentives Regulation No. 84/2003’ – the ‘Council of Ministers’, which is a federal executive body not a legislative body. Therefore, the problem here is not only that the ‘Investment Incentives Regulation No. 84/2003’ is issued at the federal level when it should have been apparently the responsibility of the regional states, but also that it was issued by a body that does not have legislative powers. In this respect, this regulation seems to have defied two important federal principles, namely the constitutional division of powers between the federal and federal sub-units on one hand, and, on the other hand, the division of powers between the three organs of any federal democratic government – i.e. the legislative, the executive and the judiciary.

B. Agricultural Investment Support Directorate (AISD)

Most importantly, in 2009 the federal government created a central body known as the Agricultural Investment Support Directorate (AISD) at the federal level under the Ministry of Agriculture and Rural Development (MOARD) to act as a ‘one-stop shop’ for large-scale investors. Despite whatever good intentions there might be behind this initiative, its repercussions on the right to self-determination of regional states and, indeed, on the federal project at large are immense. According to the MOARD, the missions of the AISD are:

1. To identify and delineate potential agricultural investment areas.
2. Transfer agriculture investment lands to investors by evaluating their capacity based on the relevant agricultural investors.
3. Creating conducive and attractive environment for investor to invest on agricultural sector.
4. Providing the necessary technical and administrative support to investors (MOARD-General Brochure, 2009, p.2).

Likewise, according to the same document, the major activities of the AISD are to:

1. Formulate policies, strategies, rules and regulation that can accelerate the investment process and make them more productive.
2. Identify potential agricultural investment land.
3. Transfer investment land for the investors.
4. Prepare general profile of investors.
5. Introduce new technology to investors and provide technical back up to enhance their capacity.
6. Formation of development clusters in the growth centres.
7. Create favourable conditions for investors to promote out growers scheme or contract farming system.
8. Link small scale/house hold producers with the agro processing industries.
9. Collect, organize, and provide necessary information and advisory services to investors.
10. Creating conducive environment/conditions to share technologies and practices among investors and the surrounding farmers (MOARD-General Brochure, 2009, p.2).

Looking at the mission statement and stated activities of this Directorate, one is left wondering about the role of respective regional states in the process of large-scale land investments. Both in the mission statement and activities of AISD, no reference is made to the constitutional division of powers and there is no mention of 'regional

states' at all. For instance, although the Ministry of Federal Affairs is criticized by many for controlling minority regional states, its founding document clearly states that it will work in cooperation with regional states and without any prejudice to the relevant constitutional provisions. However, when it comes to the AISD, it neither recognizes the constitutional provisions that give land administration to regional states, nor does it identify the role of regional states in the implementation of some of its functions that obviously require cooperation of the respective regional states. For instance, identification of potential land for agricultural investment and the transfer of land to investors would obviously require the cooperation of the respective regional states in which those lands are located. Yet, the AISD's founding document failed to recognize this fundamental constitutional right of regional states. To make things worse, the Directorate is even empowered to "formulate policies, strategies, rules and regulation that can accelerate the investment process and make them more productive" (MOARD-General Brochure, 2009, p.2). In my perspective, this makes AISD the first formal federal institution that has been created to recentralize constitutional powers that belong to regional states. Hence, with LSLA, we are witnessing a new era in the Ethiopian ethnic federal system – an era of formalization and/or institutionalization of recentralization of powers of the regional states by the federal government.

After the creation of AISD, all the land lease agreements signed between the regional states and investors were nullified and new ones were negotiated solely between the federal government and respective large-scale investors (MOARD, 2012). Some regional states such as Oromia and Amhara resisted the move on the ground that it violates their constitutional right to land administration (Lavers, 2012).

For instance, one respondent working for Amhara Investment Promotion Agency is quoted by Lavers as follows:

It is somewhat self-contradictory. Regions are given full responsibility [for land administration] but the federal government is given responsibility for promoting investment for the whole country. The idea comes from the good intention to promote development but it makes regional departments unhappy. It does not make for good relations (Lavers, 2012, p.118)

Another respondent from the Oromia Investment Commission is also quoted by Lavers as follows:

The constitution does not allow this [centralised allocation of investment land] to happen. According to the constitution, land is administered by the regions, so to make the changes they [the federal government] need to change the constitution (Lavers, 2012, p.118).

As discussed earlier in Chapter seven, in the case of the Gambella regional state, the delegation of this constitutional right was not transparent and was apparently concluded only between the regional governor and the federal government. Neither the regional council (the regional legislative body) nor the regional cabinet (the highest regional executive body) were consulted about the transfer of this constitutional right.

In fact, even if the legislative bodies of these regions (Gambella and Benishangul-Gumuz) had formally delegated their powers to the federal government, there would have been another constitutional problem. According to the federal constitution, although the federal government can delegate some of its powers downward to the regional states (Article 50:9), there is no provision in the constitution for upward

delegation of powers from regional states to the federal government. Hence, in theory, such a delegation of powers might have required, in the first place, the amendment of the federal constitution to provide for an upward delegation of powers. Because this is what makes federalism different from other power-sharing mechanisms, that under federal systems both levels of governments derive their powers from the constitution and those powers cannot be altered by any one of them without going through the process of constitutional amendment (Elazar, 1987).

10.4.2. Increase of Unconstitutionalism and Loss of Legitimacy

Some of the direct consequences of the above-discussed recentralization efforts by the federal government are the increase of unconstitutionalism and loss of legitimacy of the ethnic federal arrangement itself. As discussed earlier in Chapter three of this thesis, constitutionalism and legitimacy are among some of the basic features for realization of federalism. Given the importance of the constitution for the functioning of any federal system and for managing intergovernmental relations between various levels of governments, Watts argued that:

Recognition of the supremacy of the constitution over all orders of government and a political culture emphasizing the fundamental importance of respect for constitutionality are therefore prerequisites for the effective operation of a federation (Watts, 2008: 157).

In simple terms, constitutionalism is the idea that government should be limited in its powers and that its authority depends on its observation of these limitations (Belz, 1998; Don, 1989). According to Musa (2008), if the culture of constitutionalism is

lacking in a federation then it would likely deteriorate into a situation in which one level of government is subordinate to the other, thereby undermining other key characteristics of federalism. In Chapter seven, I have discussed how the process of LSLA has subordinated and restricted the regional government of Gambella and its lower structures to become only the implementing bodies of the decisions of the federal government. Despite efforts by some villagers (such as the Gumare and Kabu villages mentioned earlier in the introductory chapter) to assert their constitutional rights to land, their demands were suppressed and their leaders were accused of being anti-development and collaborators of anti-peace forces. Hence, the recentralization efforts by the federal government are not only challenging the principle of division of powers but are also threatening other important conditions for effective operation of a federation such as constitutionalism and legitimacy.

Indeed, the current wave of seemingly unconstitutional legislations and institutions related to LSLA are not completely new in the post-1991 Ethiopian political landscape. I have already discussed in Chapter six some federal institutions, policies and practices that seem to be unconstitutional, based on my literal reading of the text of the constitution. In fact, others including Assefa, a renowned Ethiopian constitutional lawyer, have challenged the constitutionality of some institutions, policies and practices of the regime (Aalen, 2002; Assefa, 2006; Pausewang *et al.*, 2002). For instance, Assefa (2006) has challenged the constitutionality of an education policy issued by the federal government that covers areas about 'elementary education' which, according to the constitution, fall under the competencies of the regional states. In a similar manner, some legal experts and international human rights lawyers and organizations have challenged the

constitutionality of the recent federal legislations on ‘Mass Media and Freedom of Information Proclamation’, ‘Anti-terrorism Proclamation’ and ‘Charities and Societies Proclamation’ (Ross, 2010; UN News Service, 2012; Amnesty International, 2012).

Against this background, the current wave of unconstitutionality related to LSLAs can be seen as an extension of the already prevailing culture of unconstitutionality in other areas of Ethiopian politics. However, what makes the current wave of unconstitutionality related to LSLAs different from the previous ones is the centrality/importance of land – a political ‘hot potato’ to the predominantly rural Ethiopian populations. While a ban on the right to demonstration or restriction of freedom of speech might not mean much to the rural Ethiopian populations who have lived under different oppressive regimes, mass dispossession of farmers from their lands is a critical issue for a country like Ethiopia where over 85% of the population depend on agriculture. Hence, although there have been widespread allegations of unconstitutional policies and practices, the extension of those policies and practices to critical natural resources like land and water makes the nature of the current unconstitutionality different from the previous ones.

The problem of unconstitutionality in Ethiopia is complicated and compounded by the lack of an independent constitutional court that can interpret the constitution when constitutional disputes arise between different levels of the government. Even under circumstances in which the division of powers between various levels of government is clearly delineated, disputes over the jurisdiction of powers are always bound to occur (Watts, 2008). Hence, it is vital under federal systems that neither level of the government is able to manipulate the constitution to its own advantage.

As discussed earlier in Chapter three, in other federal systems such as Germany this task of constitutional interpretation is assigned to an independent Constitutional Court. In India and the United States, this function is performed by regular courts in general and Supreme Courts in particular (Balakrishnan, 2010; Rogowski and Gawron, 2002). In other cases such as Switzerland, the role of constitutional interpretation is divided between the federal tribunal and the people. The federal tribunal is empowered to decide the constitutionality of the Cantons' laws, while the people decide the constitutionality of the federal law through referendum (Iff and Töpperwien, 2008).

Under the Ethiopian federal system (Article 62), as discussed earlier in Chapter four, this role is given to the second chamber – i.e. the House of the Federation (HOF). Any constitutional disputes arising in the court system are given to the Council of Constitutional Enquiry (CCE), a legal-political organ under the HOF. According to Article 82 of the federal constitution, the CCE is composed of both political and legal figures, namely, the President and the vice President of the Supreme Court, three members of the HOF, and six legal experts selected by the House of the Peoples' Representatives (HPR). After deliberation on any constitutional dispute brought to its attention, this body (i.e. CCE) can then submit its recommendations to the HOF for a final decision.

The composition of both the CCE and HOF puts the task of constitutional interpretation in the hands of the ruling political party. At the moment, members of the HOF are the executives of the regional states who are also members of the ruling party. The HPR (first chamber) is 99.6% controlled by the ruling party.

Although the constitution claims the independence of the judiciary, the President and vice President of the Supreme Court and the judges in the courts system are appointed by the HPR on the proposal of the Prime Minister. Therefore, the ruling party controls all the branches of the government – i.e. the executive, the legislative (HPR), and the judiciary, including the task of judicial review. This, in general, shows that there is already a critical gap in the Ethiopian federal system which makes the realization of constitutionalism very problematic if not impossible.

Against this background, it is not surprising, therefore, that there is an increase of seemingly unconstitutional institutions, policies and practices as direct consequences of the contemporary LSLAs. The problem with those seemingly unconstitutional institutions (such as AISD) and legislations (like Investment Incentives Regulation) for the federal project is that they will gradually erode the legitimacy of the federal project in general and put into question the commitment of the central elites to real devolution of power as promised in the constitution. While this has already been the case in urban areas and among the urban elites, the rural populations have been so far relatively less engaged in the opposition of the ruling regime. However, with the extension of those controversial institutions, policies and practices to areas that are critical to the rural population, such as the question of 'land administration', ethnic federalism is poised to face another wave of serious legitimacy questions again, this time not only from the urban populations, but also from the rural populations who are grappling with mass displacement and loss of their livelihoods.

10.4.3. Non-Representation and Non-Participation

Another way in which LSLA is affecting the ethnic federal arrangement in Ethiopia is by challenging the federal principle of representation and participation. However, before I proceed to discuss how large-scale land investment is challenging these federal principles, let me briefly reiterate what I have already discussed in Chapters three and four about this principle and how it is addressed under the Ethiopian federal system. As discussed in Chapter three, representation and participation are some of the basic characteristics of federalism in general.

Federation [is] to be most significantly distinguished from other forms of sovereign state by the fact that its structure is grounded in the representation of regional governments within the national or central legislature on an entrenched basis (King cited in Burgess and Gagnon, 1993, p.94).

This representation in federal systems is normally ensured through two chambers (bicameral system). The first chamber or lower house by and large represents the interests of a country as a whole and it serves as power base for the federal government (Van der Beken, 2007). The members of this house are normally elected by popular vote in proportion of the population size of each federal sub-unit. The second chamber or upper house, on the other hand, represents the interests of the federal sub-units as equal bodies (Sharman, 1987). That is why in almost all federal states – except for Ethiopia – all the federal sub-units are represented equally in this house regardless of their population sizes.

The Ethiopian second house, i.e. HOF, is organized differently from other federal systems in three fundamental ways. Firstly, unlike other federal systems in which members of the second chambers are representatives of the federal sub-units, in Ethiopia members of this house are representatives of ethnic groups (Article 61:1). Secondly, unlike in other federal systems in which all the federal sub-units are equally represented in this house regardless of their population sizes, in Ethiopia members of this house are selected/elected based on the population size of the respective ethnic groups (Article 61:2). Thirdly, and most importantly, while in other federal states this house plays a policy-making role by checking the powers of the first chamber against the interests of federal sub-units, in Ethiopia this house is barred from policy making. Rather, it plays a completely different role of adjudicating disputes between federal sub-units and judicial review, as discussed in the preceding section (Article 84). Therefore, Ethiopia does not really qualify to be called a bicameral (a legislative body having two branches or chambers) federal state because the second chamber is excluded from policy making. It is rather better described as a unicameral state since it has only a single legislative chamber.

This unicameral arrangement has serious theoretical implications for the interests of minority regional states. In the first place, the unicameral arrangement, in theory, would mean that representatives of the minority regional states or ethnic groups have no chance of making their voices heard on issues critical to their constituencies. Even if the second chamber had been empowered to play a policy-checking role, since representation in this chamber is also based on population size, it would have made no difference for minorities since they would have been still minorities in both houses. Therefore, when it comes to the representative decision-

making process, there is already a critical theoretical gap in the Ethiopian federal system which keeps the minorities' regional states in a disadvantaged position vis-à-vis the dominant/majority regional states.

This is demonstrated and exacerbated by the current processes of large-scale land acquisitions in minority regions. For instance, when the report about directing large-scale investors to lowland (minority) regional states was discussed in the parliament, some of the representatives of minority regional states fiercely resisted the move and requested the parliament to consult the concerned regional states (Interviews – 1 and 2GOV, 15 Mar. 2012). However, due to their negligible number, they were unable to influence the course of the deliberation despite the importance of the issue to their constituencies. Some of the minorities' MPs who went public in criticizing the process of large-scale land investments in their constituencies were accused of being anti-development, stripped of their immunity and taken to prison. The representative of Benishangul-Gumuz regional state, for example, after openly criticizing the construction of the 'Millennium dam' and the villagization programme among his constituencies, was stripped of his immunity, accused of a corruption case from more than 10 years earlier and then taken to prison (Eden, 2011).

To make things worse, when the task force to oversee the villagization programme in the minority regional states was formed at the federal level, none of the representatives of minority regional states were included in it. The members of the task force were all selected from other regions that were not affected by the villagization programme. Likewise, when the AISD was created, which mainly distributes land in minority regions to large-scale investors, none of the members of

minority regional states were recruited to it (Interviews – 1 and 2GOV, 15 Mar. 2012). Therefore, the current phenomenon of LSLAs seems to be undermining the fundamental federal principle of effective representation of regional interests at the federal level.

10.4.4. Further Marginalization of Minorities and Indigenous Communities

The relationship between federalism and protection of minorities and indigenous communities has already been discussed in Chapter three of this thesis. Although not all federations embraced federalism to accommodate ethnic minorities, many federations in existence today adopted federalism as a response to national, ethnic, religious and linguistic diversities within their territorial boundaries (e.g. Canada, India, Nigeria and Switzerland).

Under federal systems, protection of minorities can take place at both levels of government – i.e. at the federal and regional state levels. In places where minorities are territorially concentrated in one region, the boundaries of the federal sub-units can be drawn in such a way that minorities form a majority in one or more of the federal sub-units. Under this arrangement, federalism can provide extensive self-government rights for a minority by constitutionally guaranteeing its ability to make decisions in certain policy areas without being outvoted by the larger society (Kymlicka, 2001). In this case, minorities can protect and promote their identities within their regional states where they enjoy sovereignty over some constitutionally-defined policy areas and powers.

On the other hand, simple autonomy (right to self-determination) alone may not be sufficient to respect and protect a minority's interests at state/regional level. This is likely to be the case if the federal government, which reserves for itself jurisdiction over certain policy areas, is fully controlled by majority groups. Under federal systems, this could be mitigated by special representation arrangements for minorities at the federal government level so that their voice is heard in central decision-making with regard to issues/decisions that might affect their interests at regional/state level (Thomas-Woolley and Keller, 1994). This could be via allocating some seats in the parliament for minorities' representatives or giving minorities' MPs veto power over issues related to their constituencies (McDougal, 2009).

The Ethiopian federal system contains features similar to the above-mentioned general mechanisms of minorities' protection under federal states. As discussed in Chapter five, during the *Derg* regime the current Gambella regional state used to be a small district under the Illebabur province. Its constitutional designation as an autonomous regional state under this regime, at least in theory, was a big step towards the empowerment of the indigenous communities of the region.

With regard to the representation of minorities at the federal level, according to Article 54 of the federal constitution, the Ethiopian federal system reserves 20 seats for representatives of minorities who might not fulfil the population requirement for representation in the HPR. Although the constitution does not specify who constitutes a minority or the procedures of electing those minorities to these seats, the fact that there is such a provision again shows some effort under the federal

arrangement to empower minorities through special representation in the federal parliament. But this is only a symbolic representation since it is not accompanied by adequate provisions that give special powers to these minorities over issues important to their constituencies. In other words, the special representation of these minorities in the federal parliament does not mean much in terms of decision/policy-making.

It has also been already discussed in Chapter six of this thesis how the federal government controls the lowland minority regions through informal channels and covert institutions. As John Young and Assefa Fiseha have respectively argued:

A 'two-tier system' of federalism is emerging in Ethiopia. Although not mentioned in the Constitution, a distinction has to be made between the regional states of Tigray, Amhara, Oromia, SNNPRS and Harari, with their relatively greater level of political and economic development, and other four states (Gambella, Benishangul-Gumuz, Afar and Somali), which are otherwise known as 'emerging' or 'less developed states' (Young, 1999, p.344).

While the former states, at least until recently, have jealously guarded their autonomy and authority and have relatively greater administrative capacity, the latter are not yet capable of assuming full responsibility for local government [due to greater level of interference by the federal government in their local affairs] (Assefa, 2006, p.153).

Therefore, to come back to LSLA and minorities, marginalization of minorities and minority regional states within the Ethiopian federal system then – both in theory and in practice – is not something that is brought by the current wave of large-scale land investments. LSLA is only reinforcing a trend that is already in motion. Here, 'Political Ecology' is a useful interpretative framework to situate the interaction between

LSLAs, indigenous communities' right to land and the ethnic federal system in Ethiopia. Because, as discussed in Chapter two, according to the three assumptions of 'Political Ecology' developed by Bryant and Bailey (1997):

- Firstly, benefits and costs associated with changes in the environment/land related policies are not equally distributed. Those changes do not affect societies in a homogenous way. The pre-existing political, social and economic differences account for unequal distribution of benefits and costs.
- Secondly, this uneven distribution of costs and benefits inevitably reduces or reinforces existing social and economic disparities.
- Thirdly, this unequal distribution of benefits and costs, and the reducing or reinforcing of pre-existing inequalities carries political ramifications, since there will be shifts in power relationships too.

These assumptions are of great relevance to the dynamics between LSLAs and indigenous communities in the Gambella regional state of Ethiopia. Firstly, the costs and benefits associated with LSLAs in the Gambella regional state are not equally distributed, as already discussed in Chapters eight and nine respectively. Secondly, this unequal distribution of costs and benefits is only reinforcing the existing social and economic inequalities between the indigenous communities and highlanders in the Gambella regional state. Thirdly, the reinforcement of existing social and economic inequalities also alters the power relationship not only between the indigenous communities and highlanders but also between the Gambella regional state and the federal government.

Some of the major ways in which LSLA is shifting or contributing to the shift of power between the regional state of Gambella and the federal government have already been discussed under the preceding sections about 'Formalization and/or institutionalization of recentralization', 'Increase of unconstitutionality and loss of legitimacy' and 'Non-representation and non-participation in the processes of LSLAs'. All these shifts in power are mainly taking place at and were discussed under the framework of federal vs. regional state governments.

However, LSLA is also extending the federal government's controlling hand directly to the peripheral peasant. In other words, LSLA is also making the peasant completely dependent on the government. Given the historical fact that the rural land has been used by successive Ethiopian governments as a means of controlling the rural population, it would not be surprising if the current LSLA is being directed to peripheral regions partly to bring the rural population under the direct control of the centre. As Dessalegn argued:

The commercialization of land has served as a political advantage to the state since it enhances its power vis-à-vis rural communities, and leads to the greater concentration of authority in the hands of the public agents and local administrations (Dessalegn, 2011, p.5).

This seems to be what LSLA is doing in the Gambella regional state by reducing the land resource base and concentrating it in the hands of the federal government so that the farmer becomes dependent on the government's decisions for his/her very basic livelihood.

The experience of Mr. Mango, a farmer in the Gambella regional state, illustrates very well the extent to which the government is now using the rural land to control the rural population. Mr. Mango used to be a civil servant in the Gambella regional state under the Ministry of Water Development, working as head of finance and administration. Because he joined an opposition political party he was demoted from his position. When foreign investors started to come to Gambella region, taking huge tracts of lands and starting to displace local populations, Mr. Mango became an open leading critic of the large-scale land investment and displacement of the local population. As a consequence, he was fired from his job for a different reason and he did not dare look for another job with the government. Instead, he went to his home village and started his life as a farmer and continued his open criticism of the government's policies related to LSLAs. He thought that being a farmer would give him independence from the government and freedom to speak his mind. However, the regional government soon relocated the whole village he was staying in and instructed the chairman of the village not to allocate any land in the new settlement area to Mr. Mango. Then, after he was left with no livelihood, he fled to a refugee camp in South Sudan (Mango, interview with ARS, 26 Feb. 2012).

There said to be many similar cases in which critics of LSLAs were fired from their government jobs and refused any piece of land, even in their home villages. As one former teacher who was fired from his job because he joined an opposition group and who is now making his life as a farmer said:

Being a farmer has been a safe haven for opposition groups in Gambella because you don't need anything from the government. But now the government also wants to control farming so

that there will be no safe place for opposition members in the region. You are either with the government/ruling party or you leave the country (FGD – 5 – P3, 06 Apr. 2012).

This seems to be a key political impact of LSLAs in the Gambella regional state, by further marginalizing minorities and indigenous communities not only from the government-related jobs and opportunities, but also from natural resources that those communities have inhabited and used for centuries.

10.5. Indirect Impacts of Large-Scale Land Acquisition on the Ethnic Federal System in Ethiopia

In addition to the above-listed direct impacts of LSLAs on the ethnic federal system in Ethiopia, there are also other impacts that can indirectly challenge the ethnic federal arrangement in the country. By indirect impacts, I am referring to the kinds of impacts that might not be necessarily challenging any constitutional provision but can have significant implications for the exercise of right to self-determination.

10.5.1. Internal Migration

Ethiopia has a long history of both internal and international migration. Internally, there have been two major forms of migration namely ‘planned migration’ and ‘autonomous migration’. While the former refers to migrations that were planned and carried out by the government, the latter refers to individual migration from one place to another without any government intervention (Warner *et al.*, 2008). ‘Planned migration’ or villagization has already been extensively discussed in Chapter nine of

this thesis, and so this section focuses on ‘autonomous migration’.

Historically, the major trend of ‘autonomous migration’ in Ethiopia has been the movement of the rural young to the urban areas in search of job opportunities and a better life. This could be temporary or permanent. In most cases, this type of migration has been taking place within each regional state and has also somehow respected ethnic boundaries (Fransen and Kuschminder, 2009). However, another important migration that is underway in Ethiopia is the movement of individuals from drought affected or overpopulated highland parts of the country to lowlands parts of the country that are agriculturally productive and sparsely populated. This type of migration is taking place across regional states and across ethnic and cultural boundaries. It is taking place autonomously, meaning without active government support, but is only in one direction – i.e. from highland regions of Ethiopia or majority regions to lowland regions or minority regions (Dereje, 2011).

Nonetheless, there are different types of migrants from highland to lowland Ethiopia. In Gambella, for example, after it became a regional state in the mid-1990s, there were many new government jobs and most of the highlanders moved into the region for these job opportunities. Another wave of migrants is the daily labourers who moved into the region. In fact, some domestic investors have been bringing in thousands of daily labourers from highland parts of the country every year to work on their cotton farms. Most of those daily labourers do not go back to their regions of origin, instead they permanently settle in the Gambella region (Interviews – 10 and 11IND, 02 Apr. 2012). With the current wave of LSLAs, the number of those migrants has increased tremendously and is expected to increase further as more land is

leased to large-scale investors and as the current investors put into use their entire landholdings. According to the latest national census results, highlanders have become the second largest group in the Gambella region (CSA, 2007).

This internal migration between regional states has a significant implication for any federal system that is meant to empower regional minorities or regional identities. The intention of drawing internal boundaries within multinational federal states is to make minority groups a regional majority so that they can vote on issues of their regional interests without being out-voted by the national majority groups (Kymlicka, 2001). But if members of those national majorities infiltrate minority regions and make members of minorities a minority within their regional state, then there is no meaning in the establishment of a regional state for those minorities.

Internal migration has indeed been used by many governments around the world to disempower regional minorities in order to build one culture, one language and, ultimately, one nation (Connor, 1972). National governments have often encouraged people from one part of the country – normally from the dominant society – to move into the historical territory of minorities or indigenous communities. Such policies can sometimes take place in the form of an organized settlement programme, as happened in Ethiopia during the *Derg* regime, or they can take place autonomously without direct government support. Kymlicka (2001) argued that such resettlement policies, whether planned or autonomous, are sometimes used as a weapon against indigenous communities, both to break access to their territory's natural resources and to disempower them politically by turning them into a minority within their own traditional territories.

For instance, according to Kymlicka (2001), in the United States, it would have been quite possible in the nineteenth century to create states dominated by minority groups such as the Puerto Ricans, native Hawaiians or the Navaho. At the time these communities were integrated into the United States, they formed regional majorities in their respective homelands. Nonetheless, a deliberate decision was made not to use federalism to accommodate the self-government rights of those indigenous communities. Instead, it was decided that no territory would be accepted as a state unless these indigenous communities were outnumbered within that territory. According to Kymlicka:

In some cases, this was achieved by drawing boundaries so that Indian tribes or Hispanic groups were outnumbered (Florida). In other cases, it was achieved by delaying statehood until Anglophone settlers swamped the older inhabitants (e.g. Hawaii; the South-West) (Kymlicka, 2001, p.98).

In the Ethiopian case, the 1980s' resettlement programme in which around 60,000 settlers were brought to the Gambella region from the Northern part of the country – the dominant society – was interpreted by some as a part of the larger nation-building programme to finally assimilate the seemingly different peoples of Gambella into the mainstream Ethiopian society and culture (Kurimoto, 1993; Interview – 2IND, 22 Mar. 2012). After the fall of the *Derg*, most of those settlers went back to their regions of origin. Hence, when Gambella became a regional state under the new federal system in 1991, the indigenous communities were once again clearly a regional majority within the new self-governing Gambella region.

However, autonomous migration began again and the number of highlanders began rising. The first attempt by the regional government of Gambella to disincentivise internal migration was to make Anywa and Nuer languages the working languages of the regional government of Gambella both in order to develop the regional identity and to discourage abnormal internal migration. In fact, this was not the first attempt in the country to introduce a regional language as a working language. By that time, three regions (Tigray, Oromia, Amhara) were already using their respective regional languages as working languages. However, when Gambella wanted to copy what the majority states were already doing, the federal government intervened by dismissing the then regional state's leaders, labelling them as 'narrow nationalists'. The succeeding regional government officials who kept 'Amharic' as the working language for the Gambella regional government but introduced a range of 'affirmative actions' for indigenous peoples in the region were also accused of being 'ethno-centric' and were dismissed from their positions (Interview – 8GOV, 23 Mar. 2012).

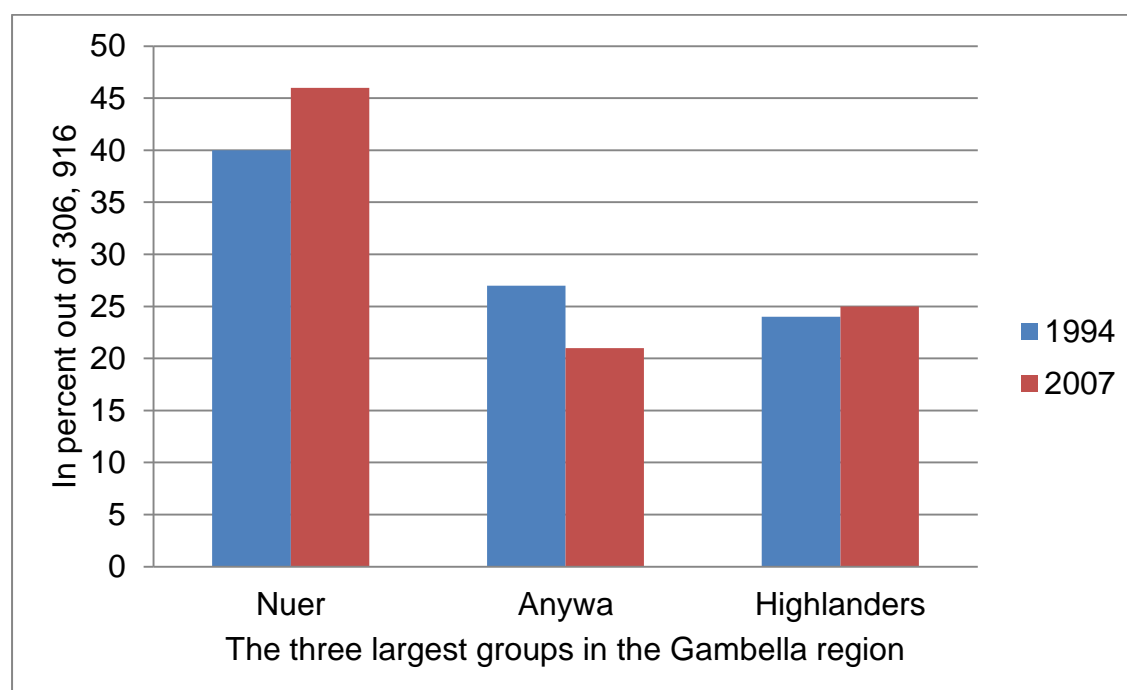
However, the above-mentioned accusations (i.e. narrow nationalists and ethno-centric) of the local leaders of Gambella by the federal government and the highlanders seem hypocritical. In other regions (e.g. Oromia, Amhara, Tigray), priority in regional job opportunities are given to the natives of the region.⁶⁴ Hence, while highlanders in the Gambella region claim to believe in the right to live and work anywhere in the country, they do not seemingly support the same principle in their regions of origins and they have put in place extreme measures to discourage any

⁶⁴ For example, in the early years of 1991, many Amhara people were expelled from Oromia region simply because they were not Oromo despite the fact that they had lived and worked in the region for years (Andargachew, 1993). Additionally, one of my interviewee who had lived for 22 years in Jimma (Oromia region), married to an Oromo woman and with two children, claimed that he was dismissed from his job in 1993 simply because he was not an Oromo (Interview-9IND, 13 Apr. 2012).

immigration to their regions. The current one-way immigration from majority regions (highland) to minority regions (lowland), therefore, in my perspective, is not a matter of 'unfortunate coincidence' as Dereje (2005) argued, but a result of deliberate double standard policies that restrict migration to dominant (highland) regions on one hand and encourage downward migration (i.e. highland to lowland) on the other.

This internal migration from highland to lowland regions has serious implications for the federal arrangement in general and for the minority regions' right to self-determination in particular. According to the results of the latest national census, conducted in 2007, 'highlanders' have become the second largest group in the region next to the Nuer, outnumbering the indigenous Anywa ethnic group (CSA, 1994 and 2007).

Figure 17: Ethnic Distribution in the Gambella Region



Source: Central Statistics Agency of Ethiopia (1994 and 2007).

With the current LSLA, the number of highlanders flowing into the Gambella regional state is expected to tremendously increase over the coming years. This projected demographic shift will have direct impact on the regional politics as well. Since there is no long-term residence requirement for voting in the regional government, all highlanders – no matter whether they are permanent residents in the region or temporary daily labourers – are automatically eligible to vote. So far, although the regional constitution has reserved the regional executive positions for the indigenous peoples, no indigenous person can access these positions without the support of highlanders, due to the latter's significant demography. In other words, no indigenous person can gain a regional executive position only on the agenda of promoting indigenous interests in the region (Interview – 11GOV, 28 Mar. 2012). Apart from their demographic significance, their monopoly over the regional economy and backing from the federal government and institutions, have made the highlanders the most politically strong group in the region (Dereje, 2006). Moreover, since elections are most often symbolic and, in practice, regional executive positions are appointed by the federal government, no indigenous person can attain this position by promoting indigenous interests that are perceived by highlanders as zero-sum game (Interview – 4GOV, 21 Mar. 2012).

Unfortunately, the most important rights that indigenous peoples are concerned about are rights that seem to be at odds with the interests of highlanders. For instance, most of my FGDs' participants, who are all indigenous peoples, tend to view LSLA unfavourably, citing its negative impacts on their livelihoods. However, most of my highlander interviewees seem to view LSLA as a good development for

the region because it creates employment (e.g. Interviews – 10GOV and 16IND, 27 Mar. and 12 Apr. 2012). Likewise, as stated earlier, while many indigenous people supported an initiative by some indigenous politicians to introduce Anywa and Nuer languages as working languages of the Gambella region, the highlanders and the federal government labelled those politicians as ‘anti-highlanders’ and ‘narrow nationalists’ and put them in jail (Interview – 8GOV, 23 Mar. 2012).

To relate this to internal migration, had the indigenous peoples been a clear majority in their respective regions and had there been a genuine federal system, the indigenous communities could have adopted these policies too and restricted further immigration to their regions. But with an increasing number of migrants, the minority regions, particularly Benishangul-Gumuz and Gambella, will have difficulty maintaining their regional identities and, in fact, their right to self-determination without causing significant discontent among the highlanders and opposition from the federal government. Such policies could have been possible in early 1990 when the number of highlanders in the Gambella regional state, for example, was still quite small. But the federal government objected to such policies even from the very beginning on the grounds that they were discriminatory to highlanders in the region, while at the same time allowing other regions to exercise those rights. Since all other regions restricted immigration to their regional states, Gambella and Benishangul-Gumuz (and to certain extent Afar and Somali too) became the only ones with open doors to immigrants from other regions. Hence, internal migration is already affecting the political demography in minority regions and thereby challenges the viability of self-determination for the indigenous communities of those regions.

10.5.2. International Migration of Indigenous Communities to Neighbouring Countries

The two major indigenous ethnic groups in the Gambella region, namely the Anywa and the Nuer, have both occupied both sides of the Akobo River, which became an international border marker between Ethiopia and Sudan at the beginning of the twentieth century (Collins, 1971). Despite the transformation of this river into an international border, movement of people between these two countries was unhindered as both the Ethiopian and Sudanese governments were unable to enforce border control. The absence of border control and the weak government structures on both sides were an advantage for the local communities to keep their relations and traditions without much external interference from either's central government.

Despite the division of these communities between the two countries, the communities from both sides have always maintained their unity and solidarity. For instance, if there is a failure of crops on one side, it is very common that people go across the river to get help from their neighbours. For the pastoralist Nuer communities, movement back and forth between these two countries is even part of their livelihood.

However, since the early years of the last decade (2000s), as the tensions between the indigenous communities of Gambella and the 'highlanders' grew, some members of the indigenous communities decided to permanently move and settle on the other side of the river. In 2003, when the Ethiopian government massacred 424 indigenous Anywa civilians in the Gambella regional capital, over 10,000 indigenous Anywa

people migrated to South Sudan and were sheltered by the UNHCR and other NGOs in Alari Refugee Camp (HRW, 2005). While some of those refugees returned to the Gambella region, many integrated into the local communities and opted for permanent residence in South Sudan. In terms of security, indigenous people from the Gambella regional state found South Sudan to be more secure than the Ethiopian side, where they face constant harassment from the government's military forces (HRW, 2005).

The latest wave of international migration of the indigenous communities is related to the on-going LSLAs. As stated in the preceding chapter, in the year 2010, the regional state of Gambella launched what it called the 'villagization programme' aiming to resettle 45,000 households within three years. According to the regional government of Gambella, they managed to resettle 26,000 households in the first calendar year of the programme. Although there are no statistics to detail exactly how many, some of those resettled households migrated to refugee camps in South Sudan and Kenya, due to unbearable conditions in the new settlement areas. At the moment there are more than five thousand Anywa refugees in 'Dadaab Refugee camp' in Kenya and some hundreds in Alari refugee camp in South Sudan (HRW, 2012). Most of those who go to refugee camps are women, children, and elderly people. Many young people prefer to go to Juba, capital of South Sudan, where they can find job opportunities. Therefore, the number of refugees could be much higher than the official estimates since there are many young people who are uncounted for.

However, since 2007 and particularly when I was carrying out my research, many indigenous people started to flow to South Sudan for security reasons. Some of the farmers who were displaced in the Gambella region went into South Sudan to live as farmers there. With recent conflicts caused by LSLAs, again, many more indigenous people have left the Gambella region, some going to refugee camps in South Sudan, some to Juba and others to the refugee camp in Kenya. In its '10 May 2012 Weekly Humanitarian Bulletin', the UN Office for Coordination of Humanitarian Affairs (OCHA-South Sudan) issued the following statement:

Anuak refugees have arrived in the Alari camp, in Pochalla County, Jonglei State, following reports of violence last month between the government and alleged Anuak opposition forces in Ethiopia. Humanitarian partners are visiting arrival locations with the Government of South Sudan's Relief and Rehabilitation Commission (RRC) to register new arrivals and identify protection needs. An initial assessment by UNHCR staff indicates that new arrivals numbered in the hundreds.

The majority of new arrivals are located at Alari refugee camp. A nutritional assessment of 100 children at the site found no malnutrition. Shelter and house hold goods were the most urgent needs, according to partners. Access to Alari is difficult because of heavy rainfall. The new refugees reportedly came from Ethiopia's Abobo area, amid reports of torture, arrests and indiscriminate killings, and from Jor, where clashes were reported on 6 May 2012 (OCHA-South Sudan, 2012, p.2).

The Ethiopian government responded to this statement by denying any migration of the indigenous communities to South Sudan and stating that there was no conflict in the region (Tesfa-Alem, 2012). This was despite the fact that they had earlier broadcasted through the national TV channel the killing of civilians and foreign nationals in the Gambella regional state by unidentified armed groups (ETV, 13 Mar.

2012).

So far, this trend of international migration does seem to be increasing as the indigenous people feel more insecure with the influx of more large-scale investors and highlanders into the region and the big presence of the military forces. Taking into account the extent to which the federal government continues leasing out lands to large-scale investors and the continued forced displacement of the indigenous communities from their lands, more social unrest is expected, which will consequently keep driving out more indigenous communities. Therefore, the migration of indigenous communities to neighbouring countries and the abnormally rising internal migration of highlanders to the Gambella regional state have substantial ramifications for the right to self-determination of the indigenous communities of the Gambella region.

10.6. Conclusion

This chapter has endeavoured to discuss the major impacts of large-scale land acquisitions on the ethnic federal system in Ethiopia. In the first section, I have reiterated the strong attachment of indigenous communities to their lands. This section argues that for the indigenous communities land is not simply a productive resource, but also incorporates the notion of homeland, culture, spirituality and communal identity. In the second section, the relationship between federalism as a form of government and territorial-based diversities has been discussed. This section argues that federalism as a form of government is founded on the concept of maintaining territorial-based diversities within unity.

Against this background of strong connection between indigenous communities and land on one hand, and between federalism and territorial-based identities on the other, I have argued that the taking of huge tracts of land by foreign firms in Gambella indeed has great ramifications for the indigenous communities' right to land and for the ethnic federalism itself. Those ramifications are made even worse by the fact that respective local communities are not involved in the negotiation processes of those concessions. Hence, it is argued in this chapter that the contemporary trend of LSLAs in Ethiopia in general and in the Gambella region in particular are directly impacting the federal arrangement in four fundamental ways. Firstly, the recentralization of land administration by the federal government directly challenges the principle of division of powers that is enshrined in the 1994 federal constitution. Secondly, this recentralization also challenges other important federal principles such as the principle of constitutionalism and legitimacy. Thirdly, the way in which the federal government leases out lands without consultation with the local communities also directly violates the federal principle of representation and participation. Finally, by further marginalizing the indigenous communities, LSLAs undermine local empowerment, the very first reason why ethnic federalism was adopted in Ethiopia.

In addition to these direct impacts, it is also argued in this chapter that LSLA is indirectly challenging the federal system by altering the demography in minority regions such as Gambella in favour of highlanders. The huge influx of highlanders to the Gambella region in search of job opportunities on one hand, and the unprecedented external migration of the indigenous communities to neighbouring

countries as a consequence of the mounting insecurities related to LSLA on the other, have significant implications for the right to self-determination of the indigenous communities of the Gambella region.

Chapter Eleven: General Conclusion and Areas for Further Research

11.1. General Conclusion

The overarching research question for this research is articulated in the introduction chapter as, **is the contemporary phenomenon of large-scale land acquisitions in Ethiopia redefining indigenous communities' right to land and what are the implications of this redefinition for the ethnic federal system?** In an attempt to answer this question, I have used 'triangulation' as the research methodology for this research. The use of different theoretical frameworks – i.e. critical agrarian political economy, political ecology and political science – has proved essential in capturing different dimensions of LSLA that would have not otherwise been captured by one theory. Likewise, the combination of secondary data, interviews and focus group discussions has also generated rich and coherent data that would have not otherwise been generated by a single method. Hence, methodologically, 'triangulation' has mitigated the weaknesses and intrinsic biases that come from single-theory or single-method studies and provided empirically grounded, convergent and comprehensive answers to the research question posed above.

The issue of control over land in Ethiopia in general is as old as the modern Ethiopian state itself. Besides its functions as a productive economic resource, rural land has also been a 'hot potato' in Ethiopian politics for which regimes were either overthrown or brought to power. For instance, the demise of Haile Selassie's regime

in 1974 was partly precipitated by his feudal land policies, which were characterized by drastic power imbalance between the peasants and the landlords. On the other hand, for the most part, it was the 'land to the tiller' slogan that rallied the university students and the public and thereby accelerated the *Derg's* rise to power in the same year. Nevertheless, although the *Derg's* 1975 land reform was hailed as a victory for the rural farmers, its ideological preoccupation with socialism and political control of both the urban and the rural population undermined its early successes and did little, if anything, to maintain rural support, which is critical for the survival of any regime in Ethiopia. As such, the *Derg* did not escape the fate of its predecessor as it lost rural support and was ultimately overthrown by the EPRDF in 1991. The current EPRDF regime, although it maintained the *Derg's* 'state land ownership' policy, promoted small-scale farming as the engine of growth and industrialization of the country. Accordingly, it carried out extensive agricultural extensions programmes that aimed at modernising and increasing the productivity of small-scale farmers through the supply of appropriate technology, certified seeds, fertilizers, rural credit facilities and technical assistance (Lulit, *et al.*, 2010).

Nevertheless, those programmes were mainly targeting highland regions. The lowland regions and their indigenous communities have been to a great extent conspicuously missing from the national agricultural extension programmes. On the contrary, while the central government promotes small-scale farming in the highland regions, in the lowland regions like Gambella, since 2007 the central government has been promoting large-scale commercial farming as its development strategy. Hence, vast swathes of farmlands have been leased out to large-scale investors in the Gambella region and nearly half of the indigenous communities have been

uprooted from their farms through the villagization programme in order to accommodate the rising interest for farmland from both foreign and domestic large-scale investors. Similarly, in order to ease the process of large-scale land acquisitions, land administration – a power allocated to regional states under the federal system – was recentralized by the federal government in 2009 to the detriment of the lowland regional states. Hence, I have argued in this thesis that LSLA is not only challenging indigenous communities' right to land but it is also posing a threat to the ethnic federal system under which those rights are articulated and entrenched.

In order to understand this power disparity between the centre and the regions, particularly the peripheral ones like Gambella, one has to look at the historical integration of those regions into the contemporary Ethiopian state. I have maintained in this thesis that the current power disparity – despite the adoption of federalism – between the centre and the peripheral regions such as the Gambella has its roots in the historical mode of integration of those regions into the Ethiopian state. In the case of Gambella, from the very beginning successive Ethiopian regimes have tended to be more interested in the resources and strategic location of the region than in the people who inhabited the region. As such, the indigenous peoples of Gambella were from the very beginning only weakly integrated into the Ethiopian state. Although the *Derg* took some measures to integrate the peripheral communities into mainstream Ethiopian societies by expanding education to these areas and employing members of those communities in civil service jobs, the *Derg's* preoccupation with political control soon overshadowed its empowerment measures and greatly alienated the indigenous communities from the regime. In Gambella, the

resettlement programme that brought over 60,000 settlers from the highland parts of Ethiopia to the region; the cultural revolution programme that indiscriminately uprooted legitimate traditional leadership structures; and the *de facto* handover of the Gambella region to the Sudanese People's Liberation Army (SPLA) only further cemented the narrative of marginalization and exploitation of the indigenous communities by the highlanders' central government.

In the light of these historical precedents, the current prioritization of large-scale commercial farming in the Gambella region, seemingly at the expense of the indigenous peoples, could be seen as a continuity of successive Ethiopian regimes' continuing to value the region more for its natural resources and strategic location than for its inhabitants. Undeniably, while the current ethnic federal system seems to have empowered the indigenous communities in the areas of social and cultural matters, it has fundamentally failed in areas of political and economic empowerment, as discussed in Chapter six. At the socio-cultural level, I argue, the Gambella regional state and its indigenous communities have indeed enjoyed a meaningful level of self-determination. The new ethnic federal system has helped previously marginalized and stigmatized ethnic groups regain ethnic pride and offered them the freedom and choice to express elements of their cultures. However, with regard to political self-determination, the new system only offered symbolic representation to the indigenous communities of Gambella and not real power. Although the regional political offices were virtually handed over to the indigenous communities, the federal government had created shadow structures – such as the Ministry of Federal Affairs, the central party advisors and the security agents – that actually run the political affairs of the region behind the formally elected officials. Hence, as far as political

self-determination or local empowerment is concerned, the Gambella experience so far seems to exemplify failure. On the economic front, the new system again seems to have failed the Gambella region and its indigenous communities. For instance, despite the constitutional provision for the regional governments to jointly levy and collect taxes on incomes from large-scale mining and all petroleum and gas operations and royalties on such operations, until now the regional government of Gambella has been virtually excluded not only from the benefits occurring from gold mining but also from the governance structures involved in those operations. Hence, economic marginalization seems to be even worse than political marginalization, where there is at least symbolic representation. That is why I chose one aspect of economic self-determination – i.e. LSLA – as a prism through which to critically investigate the state-communities relation (social contract) articulated under ethnic federalism.

Proceeding to the actual implementation of LSLA, my analysis of the data collected from different sources in Gambella has indicated that the processes involved in the actual LSLAs do not recognize indigenous peoples' land rights. From 2000-2006, when most of the large-scale land investors were domestic investors acquiring relatively small-scale amounts of land (below 5,000 ha), the involvement of the local communities through their immediate *woreda* representatives used to be strong. However, with the coming of foreign large-scale land investors in 2007/2008, the federal government recentralized the process of LSLAs, to the detriment of the local governments and their indigenous communities. This is reflected in the land lease agreements signed solely between large-scale investors and the federal government which, among other things, (1) do not recognize the existing land rights of the

indigenous communities; (2) do not ensure continued access to vital natural resources such as water, grazing land and communal forests for the indigenous communities; (3) do not make Environmental Impacts Assessment mandatory; (4) and do not involve the indigenous communities in the evaluation and monitoring mechanisms of those projects.

Hence, contrary to the government's and investors' claims that large-scale land investments are bringing development to the local communities, my research suggests that those investments are in fact deepening the marginalization of the indigenous communities. This is reflected in Chapter eight where I critically reviewed the major claimed benefits of large-scale land acquisitions, namely (1) food security, (2) employment opportunities, (3) technology transfer and (4) increase in tax revenues for local governments. In the case of food security, the investment legal framework encourages export-oriented production and gives better incentives for those investors who export a higher proportion of their production. In practice, the major foreign large-scale investors so far have virtually exported all their production to their countries of origin or to other foreign countries. Hence, the claim that large-scale land acquisitions will reduce food insecurity in Ethiopia seems to be empty rhetoric that is not supported by facts on the ground. With regard to job creation, my research has found that, in reality, nearly 90% of jobs created by those investors are temporary daily labourer jobs, which pay poorly and hardly sustain minimum living standards. Moreover, most of those jobs are also going to migrants from the highland parts of Ethiopia rather than to the indigenous communities. Likewise, evidence from the ground also disputes claims about technology transfer, since there is no policy that encourages such a technology transfer to take place and so far, in

practice, there is not even informal cooperation between investors and their adjacent local communities. Instead, small-scale farmers are defined as incapable and pushed out from their lands in order to give way to the 'capable' large-scale farmers. Finally, in relation to claims about financial benefits, although evidence has suggested an increase in tax revenue for respective *woreda* governments as a consequence of LSLAs, this increase in tax revenue has not been directed towards developmental activities of the respective *woredas*. Rather, some of my interviewees and participants of focus group discussions have stated that the increase in local tax revenue has increased corruption and competition over *woreda* cabinet positions.

Moreover, in addition to the failure of those expected benefits, my research has found out that LSLA is already having some negative impacts on the indigenous communities. Some of the major negative impacts are the introduction of the villagization programme, which is akin to forced displacement; environmental impacts, in terms of deforestation and likelihood of pollution of water resources as a consequence of agrochemicals' use; escalation of existing tensions and transformation of grievances into open conflicts; and further marginalization and destitution of indigenous women. Throughout my research, these issues have repeatedly come out as some of the major areas in which LSLAs are already negatively impacting on the lives of the indigenous communities in the Gambella region.

Therefore, from the above discussions, it becomes apparent that LSLA in the Gambella region is indeed redefining indigenous communities' right to land and related natural resources in fundamental ways. Despite the constitutional provision

that stipulates, “Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands” (Article 40:5), the federal government since 2007/2008 seems to have been doing exactly the opposite in the Gambella region.

However, this redefinition is not only limited to the mere question of indigenous peoples’ right to land. I have argued here that it also shakes the foundation of ethnic federalism itself. When the EPRDF assumed power in 1991, it diagnosed many of Ethiopia’s problems in the light of the historical Amhara domination and rule over the rest of the other Ethiopian ethnic groups. This, the party argument goes, caused deep-rooted disparities among the Ethiopian ethnic groups which could only be corrected by giving every ethnic group the right to self-determination so that each ethnic group can manage their group resources in their own interests (Andreas, 2003; Lavers, 2012; Vaughan and Tronvoll, 2003). Land is one of the key group resources and had historically been the symbol of the Amhara domination of other ethnic groups and regions. Hence, the new constitution deliberately gave land administration to the newly ethnically-delineated regions, demonstrating the new regime’s commitment to ethnic self-determination (FDRE, 1994, Article 52). Against this background, the current recentralization of land administration by the central government in lowland regions challenges the very foundation for which ethnic federalism was adopted in the first place, namely – ethnic self-determination and the management of groups’ resources in the interests of the respective groups.

On top of challenging the very reason for which ethnic federalism was introduced in the first place, LSLA also seems to be challenging the four federal principles that I

have identified in Chapter three of this thesis. Firstly, the recentralization of the power of 'land administration' by the federal government directly challenges the federal principle of 'division of powers' that is enshrined in the 1994 federal constitution. The creation of the 'Agricultural Investment Support Directorate' (AISD) at the federal level to administer lands in lowland regions and facilitate large-scale land investments on behalf of lowland regions seems to violate the constitutional right of those lowland regions. Likewise, I have also argued that the enactment of the 'Investment Incentives Regulation' by the 'Council of Ministers' looks like an infringement on the constitutional jurisdiction of the regional states and it also seems to violate the division of powers between the three branches of the government, since the body that enacted it is an executive body not a legislative one.

Secondly, I have argued that these recentralization efforts also challenge another vital federal principle – i.e. 'constitutionalism and legitimacy'. Aalen (2002) has argued that "federal governments have to be subjected to the rule of law and committed to the principle of constitutionalism" (Aalen, 2002, p.102). Others such as King (1982) and Burgess and Gagnon (1993) have argued that a federation cannot be legitimate if it is a result of or is maintained by coercion from above. Hence, the recentralization effort that apparently contradicts the federal constitution and the coercive methods used against local government officials in the process of LSLAs present a big challenge to the federal principles of 'constitutionalism and legitimacy'.

Thirdly, the way in which the federal government leases out lands without consultation with the local communities also directly challenges the federal principle of 'representation and participation'. Finally, by further marginalizing the indigenous

communities, whether through deliberate villagization programme or unintended abnormal migration of highlanders to the region, LSLA undermines one of the political and moral justifications that necessitated the adoption of ethnic federalism in the first place, namely self-determination for 'Nations, Nationalities and Peoples' of Ethiopia'. Therefore, the contemporary trend of large scale land acquisitions in Ethiopia is not only redefining indigenous communities' rights, but also challenges the new social contract (i.e. ethnic federalism) between the post-1991 Ethiopian state and its peripheral minorities and indigenous communities.

11.2. Areas for Further Research

During the course of this research, other fundamental research questions have occurred that fall beyond the scope of this particular work and therefore would need further study. Firstly, while I was reviewing the literature on ethnic federalism in Ethiopia, I observed that no research has so far been conducted on ethnic federalism and natural resources in general. In other words, the question of natural resource management/exploitation vis-à-vis ethnic federalism is an area that is virtually not researched so far in Ethiopia. This might be due to the fact that until recently there has been no major extraction of natural resources in any of the regions of Ethiopia. However, this might change soon. According to the Ministry of Mines, only in the first quarter of the 2012/2013 financial year, the country has obtained gold worth more than \$132.7 million in the Benishangul-Gumuz, Oromia, Tigray, Gambella and SNNPRS regions (MOM, 2012). Nevertheless, the ways in which revenues from these resources are shared remain unknown. At the least, in

the case of the Gambella regional states, I have discussed it in Chapter six that the regional government is not only excluded from the benefits occurring from these resources but is also excluded from the governance structures involved in their extraction. Hence, there is a great need for further research to explore the management/extraction of natural resources and ethnic federalism in Ethiopia.

Secondly, I have pointed out earlier that the concept of indigenous peoples is still a very young concept not only in Ethiopia but also on the African continent in general. I have also indicated that the concept is contested by many people who argue that the concept is not applicable in the African context. In Ethiopia, the concept of indigenous peoples has so far been closely associated only with pastoralists. I have seen that there is almost no research on the situation of shifting cultivators, gatherers and hunters. Hence, there is a need for further research to develop and enrich the concept of indigenous peoples in Africa in general and in Ethiopia in particular.

Finally, in my analysis of the global processes and actors of LSLAs, I have found out that the attention is almost exclusively on foreign players and trans-regional land transactions. In another words, the available literature on large-scale land acquisitions so far is very much foreign-actors-centric. However, the experiences from the Gambella region show that national elites such as politicians, businessmen, ruling party's cadres and former liberation fighters/generals are also greatly involved in acquiring lots of lands in peripheral regions. Therefore, there seems to be a need for further research on the role of domestic players and dynamics involved in LSLAs.

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⁶⁵ I follow here the Ethiopian way of citing Ethiopian-authors. As Ethiopian names are not based on family or surnames, authors are cited and referenced by their first name followed by their father's name like Andreas Eshete, rather than by their father's name like Eshete, A.

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Appendix – 1: Verdanta Harvests Plc Land Lease Agreement

LAND RENT CONTRACTUAL AGREEMENT MADE BETWEEN MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

AND

VERDANTA HARVESTS PLC

This Land Lease Agreement is made and entered by and between **Ministry of Agriculture and Rural Development** of the Federal Democratic Republic of Ethiopia having its principal office at Kirkos sub city, Addis Ababa, Ethiopia, [herein after referred to as the "Lessor"].

and

Verdanta Harvests PLC. is a Private limited company incorporated in Ethiopia under the companies act of 1960 and having its Office at **H.no 2469, Kebele 03/05, Bole sub city, Addis Ababa Ethiopia** [herein after referred to as "lessee", which expression where the context admits shall also mean and include its successors and assigns, including a company to be incorporated for the purpose here in after mentioned by the lessee in the Federal Democratic Republic of Ethiopia.

WHEREAS, the lessee a business organization incorporated to engage in Tea garden Development under the relevant laws of Ethiopia; and requires sufficient land in Gambela regional State;

WHEREAS, the Lessor is willing to provide the required land lease basis in accordance with the terms and conditions provided hereunder;

NOW THEREFORE, the parties have executed this land lease agreement on the 20th of April, 2010 under the terms and conditions indicated herein below.

Article 1

Scope of Agreement

- 1.1 The scope of this lease Agreement is to establish a long term land lease of rural land for Tea and allied farming and related activities on the land measuring 3,012 hectares, located in **Gambela** Regional State, **Mezhenger Zone, Godere** Weredas **Gumare and Kabu** kebeles surrounding areas together with the lease certificate serial No ----- with all rights of easement of Tea garden amenities, fittings, fixtures, structures, installations, property or other improvements standing thereon, to the said company to be incorporated for the purposes hereinafter mentioned by the lessee in the Federal Democratic Republic of Ethiopia.
- 1.2 This Lease Agreement shall be applicable to the full and exclusive use of that parcel of Rural land more particularly described in this lease [herein after referred to as the 'Lease Land'] for cultivation or development of Tea garden including eucalyptus, coffee, medicinal plants and



other crops however more than 50 % plantation will be under tea free of any other land rent other than the rent expressed under Article 2 of this agreement.

Article 2

Period of the land lease and payment rate of the land lease

- 2.1 This land lease agreement is made for period of 50 years but can be renewed for another additional years mutually agreed between the parties.
- 2.2 Land rental payment procedure
- 2.2.1 There shall be a five years grace period for the land rent, where the rent during this period will be prorated over the remaining years annually, commencing from the date of execution of this agreement .
- 2.2.2 Thereafter, the annual lease rate per hectare of land for use of agricultural investment referred to an article 1 on this contract per hectare shall be birr 111 (*Birr One Hundred Eleven Only*) ,and total amount payment of contract shall be birr 16,716,600 (*Birr Sixteen Million Seven Hundred Sixteen Thousand Six Hundred only*). The annual amount of payment shall be birr 334,332 (*Birr Three Hundred Thirty Four Thousand Three Hundred Thirty Two only*)
- 2.2.3 Up on payment of the lease for the amount of land contracted, the receipt should be immediately issued to Lessee and a copy of which shall be submitted to district administrative office.
- 2.2.4 There shall be one year down payment for the land indicated herein above (which will be considered as the sixth year payment), the statement on No 2.2.1 of this article being as it is.
- 2.2.5 The lessor reserves the right to revise the lease payment rate after 10 years of such last fixation as the need may arise in consultation with the lessee. However, if there might be an increment in the rate of the lease it shall not exceed 20 % the existing rate.

Article 3

Rights of the Lessee

The lessee has the right to:

- 3.1 Develop the land for Tea and allied plantation that are agreed and administer the land, in accordance with the terms of this agreement.
- 3.2 Build infrastructure such as dams, water boreholes, power houses, irrigation system, roads, bridges, offices, residential buildings, fuel/power supply stations/out lets health/Hospitals/Dispensaries , educational facilities, at the discretion of Lessee upon consultation and submission of permit



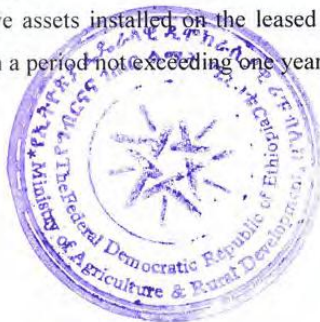
request with concerned offices subject to the type and size of the investment project whenever it deems so appropriate.

- 3.3 Develop or administer the leased land on his own or through a legally delegated person/ agency.
- 3.4 Develop and cultivate the land and harvest the crop and carry on all other activities by mechanization or such other means that the lessee shall in its own discretion deem fit and proper in the circumstances.
- 3.5 Get additional land based on the performance , accomplishment and need of the company.
- 3.6 Export its tea products from the leased land having export license as per the countries export policy and regulations.

Article 4

Obligations of Lessee

- 4.1 Lessee shall bear the obligation to provide good care and conservation of the leased land and natural resources thereon, with particular obligations to:
 - a) Conserve tree plantations that have not been cleared for earth works.
 - b) Apply appropriate working methods to prevent soil erosion in slopping areas.
 - c) Observe and implement the entire provision of legislations providing for natural resource conservation.
 - d) conduct environmental impact assessment and deliver the report with in three months of execution of this agreement.
- 4.2 The lessee should take over the leased land with in 30 days of execution of this agreement by settling the required down payment as indicated in article 2.2.4
- 4.3 The lessee is expected to start to develop the land within in six months from the date of execution of the land lease Agreement or from the date of receipt of last of all the clearances from the government and other agencies are received by the lessee which ever is latter.
- 4.4 Under the contract, the lessee shall develop two hundred hectares of the leased plot of land within the first year from the date of signing of this land lease contract or from the date of receipt of all the clearances from the government and other agencies, as may be required are received by the lessee, whichever is later; accordingly, it shall develop at least 75% of the land with in 7 years and the entire plot of leased land within a period not more than 10 years starting from the date as specified above.
- 4.5 Upon expiry or termination of land lease contract or revocation of investment license, lessee shall remove assets installed on the leased land in good order and hand over the leased land to lessor within a period not exceeding one year.



- 4.6 Lessee shall provide correct data and investment activity reports upon request by the ministry of Agriculture and Rural Development.
- 4.7 Once the annual land lease rent becomes payable up on completion of the grace period on the sixth year the lessee has the obligation to settle the current annual land rent including the prorated amount of the grace period to the Regions where the land is located during the months December up to June every year as per predetermined lease rate for rural lands.
- 4.8 Lessee shall, up on entering into the lease contract, submit an advance action plan as regards the use of the leased rural land accompanied by this contract document to the Ministry of agriculture and rural development.
- 4.9 The lessee shall in no way make any unauthorized use of the leased land beyond the predetermined purpose or objective or plan as stated in article 3 this agreement without expressed consent of the lessor in writing.
- 4.10 Unless 75% of the project land is developed the lessee has no right to transfer the land or properties developed on the land in favour of any other company or individual.
- 4.11 Up on developing 75 % of the land, the lessee can transfer the land or properties developed on the land in favour of any other company or individual only with the prior permit of the lessor.

Article 5

Right of Lessor

The lessor has exclusive right to:

- 5.1 Monitor and establish the fact that the lessee is discharging and accomplishing its obligations diligently.
- 5.2 Restore such lands, covered by this lease which are not developed by the lessee on the expiry of one year from the date specified for commencement of development in terms of clause 4.4 mentioned above, provided however that the lessee is given six months prior notice and fails to cure such failure with in such one year period.
- 5.3 The right of the lessor under article (5.1) above shall be exercised and performed in a manner that does not cause any hindrances to the work and activities of the lessee.
- 5.4 Terminate the land lease agreement subject to at least six months prior notice in written up on breach of contract.
- 5.5 Shall have a right to amend the land rent, in accordance with Article 2.2.5 of this Agreement.



Article 6

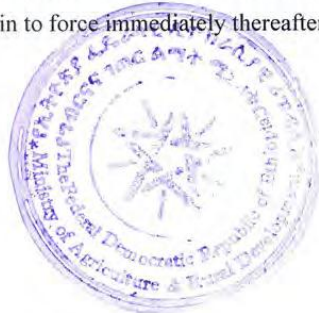
Obligations of Lessor

- 6.1 The lessor shall be obliged to deliver and hand over the vacant possession of leased land free of impediments to the lessee within thirty(30) days from the execution of this land Lease agreement.
- 6.2 In view of the importance of the proposed major investment, the lessor undertakes to provide or cause to provide special investment privileges such as exemptions from taxation and import duties of capital goods and repatriation of capital and profits granted under the investment laws of Ethiopia.
- 6.3 The lessor hereby covenants with and assures the lessee that there are no legal or other impediments whatsoever in the Lessee's clearing the land and using the same for the lessee's activities on the land covered by this Agreement, and purposes ancillary or incidental thereto.
- 6.4 To arrange access and use of facilities of the Federal government and the Regional State Research centers with fee for the purpose of soil testing and mapping.
- 6.5 The lessor shall issue 6 (six) month advance notice prior to termination of this contract on the grounds of failure to develop the land within the time limits in accordance with the contract obligation or any damage on the natural resources or non performance of due payment of lease charge and in the event of not addressing such issue, the Lessor may extend the time period for such compliance or terminate the agreement, in terms of this agreement .
- 6.6 The lessor shall ensure during the period of lease, Lessee shall enjoy peaceful and trouble free possession of the premises and it shall be provided adequate security, free of cost, for carrying out its entire activities in the said premises, against any riot, disturbance or any other turbulent time other than force majeure, as and when requested by the Lessee.

Article 7

Delivery of the lease land

- 7.1 The lessor shall, deliver to the lessees the site plan and the clear title certificate or certificates of the land within thirty days from the date of signing this contract with lessor.
- 7.2 If the delivery process cannot be effected due to and reason caused on the part of the lessee in spite of informing the Lessee in writing, to that effect the lessor shall not assume any responsibility of such failure.
- 7.3 Land handing over shall be done within thirty days of the signing of this lease agreement and it shall come into in to force immediately thereafter.



Article 8

Contract Amendment and Renewal

- 8.1 This land lease Agreement shall be renewed on the same terms and conditions.
- 8.2 If any of the parties wish to renew the agreement, it shall inform the other party at least twelve months before the expiration of the contract period.

Article 9

Grounds for contract termination

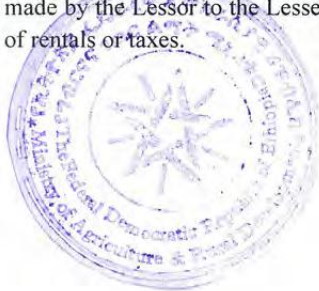
The land Lease Agreement may be terminated for the following reasons, namely:

- 9.1 Upon expiry of the Lease contract period.
- 9.2 Upon the failure of the lessor to deliver the land to the lessee due to causes other than 'Force majeure'.
- 9.3 Upon the failure of the lessor to fulfill or observe any of its obligations or covenants herein contained after the Lessee has given a written notice of six month and the Lessor fails to so observe and perform.
- 9.4 Upon the failure of the Lessee to settle the annual rental and other relevant tax payments for two consecutive years.
- 9.5 Upon the failure of the Lessee to perform its obligations, within its control under this contract after the Lessor has given to the lessee six months prior notice calling upon the lessee to observe and perform such obligations

Article 10

Consequences of Contract Termination Procedure

- 10.1 On termination of this Land Lease Agreement, the Lessee shall surrender the leased land back to the Lessor within one year from the date of termination.
- 10.2 If this Agreement is terminated by the Lessee for any of the reasons stated in Article 9 .3 the lessor shall pay to the Lessee the value of improvements effected by the Lessee on the land at then market price after setting off any dues on account of rentals or taxes.
- 10.3 If this agreement is terminated by the lessor for any of the reasons stated in article 9.4, 9.5 no payment shall be made by the Lessor to the Lessee on such termination. But the lessee shall set off any dues on account of rentals or taxes.



- 10.4 Where the agreement is terminated up on the expiry of the term of the lease agreement for the reasons on article 9 the lessor has priority right to purchase properties over the land in negotiation with the lessee and, if not the lessee has the right to sale it to any interested third party up on written permit of the lessor. In doing So the lessor or any concerned government authority shall expeditiously allow the lessee to do so.

Article 11

Registration

This Land Lease Agreement shall not be subject to registration and approval by a notary office. However, the lessor as a representative and the highest authority of the Federal Democratic Republic of Ethiopian government with respect to this lease agreement, shall guarantee validity of this Agreement despite absence of the registration. Furthermore copies of the contract agreement shall be sent to the lessee, District administration, finance office, investment commission and other concerned bodies through lessor enclosed with covering letter of cooperation.

Article 12

Governing Law

The governing law for operations under the agreement shall be the laws of Ethiopia.

Article 13

Force Majeure

Conditions of force majeure shall be governed by the Ethiopian Civil code.

Article 14

Covenant of peaceful possession

The lessor warrants that it has full ownership and property rights in the leased area for granting this land lease Agreement and shall protect the right of the lessee to the peaceful possession, use and quiet enjoyment thereof.

Article 15

Controlling calendar

The Ethiopian calendar shall be used and shall be controlling for the purpose of this agreement.



Article 16

Annex to the Agreement

The documents listed below shall be annexed and considered as part and parcel of this Agreement.

- 16.1 The decision letter and minute for the land lease
- 16.2 The land development schedule
- 16.3 The site plan of the leased land
- 16.4 Photocopy of the ID or passport of the Lessee or duly authorized person by the lessee.
- 16.5 Photocopy of the Memorandum and Articles of Association of the Lessee.

Article 17

Settlement of Disputes

In the event of a dispute arising between the lessor and the lessee arising out of or in connection with this Land Lease Agreement, both parties will do their utmost to resolve the dispute amicably and to their mutual satisfaction and if they are unable to achieve such a settlement the dispute shall be referred to Ethiopian Federal Court.

Article 18

Language

This Agreement has been executed between parties in the English.

Article 19

Office and Notices

- 19.1 The Lessee shall establish and maintain an office in Ethiopia as may be necessary or convenient for carrying out operations.
- 19.2 All communications and notice required to be sent from one party hereto to the other shall be in writing in the English or Amharic language and shall be delivered in person or sent by mail at address indicated in the preamble of this Agreement.



Article 20

Effective Date of the contract

This land lease Agreement shall remain effective for 50 years starting from the date of 20th of April 2010 and shall come to expiry as of the date of 19th of April the year 2060.

LESSOR

LESSEE

SIGNED AND SEALED and DELIVERED

SIGNED, SEALED and DELIVERED

For and on behalf of the Ministry of

For and on behalf of

Agriculture and Rural Development

Verdanta Harvests PLC

Name----- **Wolde Derbew**

Name----- **Soraj Prosa**

Signature----- *[Signature]*

Signature----- *[Signature]*

Date-----

Date----- **21/04/20**

[Handwritten signature]
Wolde Derbew
Minister
Ministry of Agriculture & Rural Development



Appendix – 2: Gumare and Kabu Kebeles' Complaint Letters and Responses



በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የአካባቢ ጥበቃ ባለሥልጣን
The Federal Democratic Republic of Ethiopia
ENVIRONMENTAL PROTECTION AUTHORITY

ቀን 28/08/2009
Date
ቁጥር 8/8-4/1/24
Ref. No.

ለግብርናና ገበያ ልማት ሚኒስቴር
አዲስ አበባ

ጉዳዩ፡ በጋምቤላ ክልል ለሻሂ ልማት የተሰጠ የደን መሬትን ይመለከታል

በጋምቤላ ክልል በመዝናኛ ዞን በጉደሬ ወረዳ በጉማሬ እና በካቦ ቀበሌ የሚገኝ "5,000 ሄክታር በተፈጥሮ ደን የተሸፈነ መሬት ያለአግባብ ለሻሂ ልማት ኢንቨስትመንት ተሰጥቶ ሊመነጠር ስለሆነ አስቸኳይ እርምጃ ይወስድ" በማለት የአካባቢው ነዋሪዎች ተወካዮች አቤቱታቸውን ለክቡር አቶ ግርማ ወልደ ጊዮርጊስ የኢ.ፌ.ዲ.ሪ. ፕሬዝዳንት አቅርበዋል። ክቡር ፕሬዝዳንቱም አስቸኳይ እርምጃ እንዲወስድ ለመ/ቤታችን ደብዳቤ ፅፈዋል።

በአሁኑ ጊዜ በዓለም ላይ ከአየር ንብረት ለውጥ ጋር በተያያዘ እየተከሰተ ያለውን የሙቀት መጨመር ከመቀነስ አኳያ በደን የተሸፈነ መሬቶች የሚኖራቸው አስተዋፅኦ ከፍተኛ ነው። ክቡር የኢ.ፌ.ዲ.ሪ. ጠቅላይ ሚኒስቴር አቶ መለስ ዜናዊም አፍሪቃን በመወከል በዓለም አቀፍ ደረጃ በሚካሄዱ የአየር ንብረት ለውጥ ድርጅቶች እና ሰብሰባዎች ላይ የተፈጥሮ ደንቶችን በመጠበቅ ለሙቀት መቀነስ አወንታዊ አስተዋፅኦ ለሚያደርጉ የአፍሪቃ አገሮች የንዝብና የቴክኖሎጂ እገዛ ሊደረግላቸው ይገባል የሚል ጠንካራ የመደራደሪያ ሃሳብ አቅርበዋል።

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Website: www.epa.gov.et

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ለገጽ ሠራዊት መስተዳድር ምክር ቤት

ጉዳይ:- የኢንቨስትመንት መሬት ኪራይ ክፍያና የመሬት ርክብ ይመለከታል፡፡

Verdanta Harvesis PLC የተባለ የህንድ ድርጅት በመገንገር ዞን ገደሬ ሠራዊት በግብርና ኢንቨስትመንት ለመስማራት ባቀረበው ጥያቄ መሰረት በክልሉ በቀበሌ 3012 ሠራዊት ለማለፍተፍ ተፈትሶ የሚገኝ የ50 ዓመት የመሬት ኪራይ ሠራዊት የተፈራረመ ስለሆነ የአንድ ዓመት የመሬት ኪራይ ትኩረት ክፍያ በሂደቱ ብር 111.00 / አንድ መቶ አስራ አንድ ብር ብቻ / ሂሳብ በመቀላቀል ብር 334,332 / ሶስት መቶ ሰላሳ አራት ሺህ ሶስት መቶ ሰላሳ ሁለት ብር ብቻ / ክፍለው መሬቱን እንዲረከብ ስምምነት የተደረሰበትን የመሬት ኪራይ ሠራዊት ከዚህ ደብዳቤ ጋር አባሪ በማድረግ መላኩን እያገለጸ የተጠቀሰውን የገዢውን እንዲከፍል እንዲደረግና መከፈላቸውን ማረጋገጥ እንዲላክ በማለብ መረጃው እንደደረሰ መሬቱን ለባለሀብቱ የምናስረክብ መሆኑን እናባወቃለን፡፡ የሚል ከኢ.ፌ.ዴ.ሪ የግብርናና ገበያ ልማት ሚኒስቴር በቀጥሎ 18/11/2024/299 በቀን 20/08/2002 ዓ.ም በተሃራ ደብዳቤ መሰረት በቀጥሎ ET/VH 041/2010 በቀን 08/03/2003 ዓ.ም የተላከና አባሪ ተደርጎ በተላከላቸው የጋራ መልዕክት ተገልጿል፡፡

በዚህ መሰረት ድርጅቱ በወረዳው ለሚኖርበት መጠን በራ የግብርና ኢንቨስትመንት ስራ የተጠቀሰውን የአንድ ዓመት የመሬት ኪራይ እንዲከፍል እንዲደረግና ለመከፈላቸው ጥገናው ማረጋገጥ በኢ.ፌ.ዴ.ሪ የግብርናና ገበያ ልማት ሚኒስቴር እንዲላክ እንዲሁም ባለሀብቱ የግብርናው ዘርፍ በሚኖራቸው ተግባር የሥራ እንቅስቃሴ አስፈላጊው ድጋፍና ጉዝጠር እንዲያለፍባቸው አስታውቃለሁ፡፡

አገዳዎች

> ለዘመር ምክር ቤት መስተዳድር

ፋይል

> ለርዕሰ መስሪያ/ቤትና ካቢኔ ጉዳዮች

ገልጻች

> በኢ.ፌ.ዴ.ሪ የግብርናና ገበያ ልማት ሚኒስቴር

> ለኢትዮጵያ ኢንቨስትመንት ኢድንሲ

> A VERDANTA HARVESTS PVT.LTD

ሰዓሰ አባል

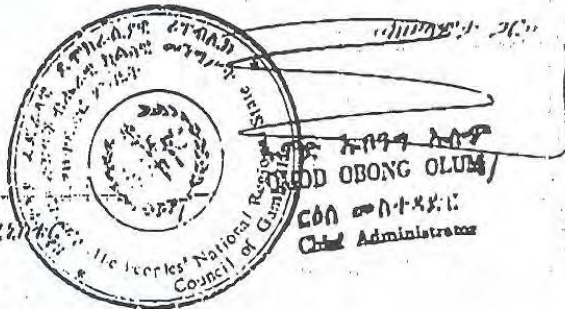
> ለመገንገር ዞን መስተዳድር ምክር ቤት

ግቢ

> ለክልሉ ግብርናና ገበያ ልማት ዘርፍ

> ለክልሉ ኢንቨስትመንት ኢድንሲ

ጋራ



የሰዓዊት አዋጅ
ጥያቄ 230

ԲԱՆԱԿԱՆ ՇՆՈՐ: ՈՅԵԼՈՒ ԳՈՐԾՏՏ ԸՆԹԵՆ ԴՆՆԻ ՈՐԵ ՈՒՄԵՐՈՒ
 ԲԱՆԱԿԱՆ ԳՈՐԾՏՏ:

383

[illegible]

በጥንቃቄ ሲገባ ተመሳሳይ ስነ ስርዓት የአፋ ልማት ሆኖ መጠን ስላገኘ
 የገንዘብ ሽያጭና የዲሲፕላን ምርጫ ጥያቄዎችም ይገኛል። ይህም ለ
 ሀገሪቱ ለመሆኑ መጠንቀቂያ የሚያስፈልግ ስላልሆነው ልማት ገንጠል ከገንጠል
 ባለ ስልጠና ገዢነትና የፖሊሲ ስራ ስራዎችም ስላልሆኑ ሃሳቦችም ይገኛሉ።
 ገንዘብ ገንጠል የሰላማዊ ተጠቃሚ ይጓደኛል። ነጠራ ተጠቃሚ ገንዘብ ገንጠል
 ሀገሪቱን ስላንደር ይገኛል። የጥላቂዎች ገንዘብ ይገኛል መጠንቀቂያ
 የሚያስፈልግ ስላልሆነው ስራ ስራዎችም ስላልሆኑ ሃሳቦችም ይገኛሉ።
 ሽያጭና የፖሊሲ ስራ ስራዎችም ስላልሆኑ ሃሳቦችም ይገኛሉ።
 ወሳኝነት።

MSC 1643, 2003 9.90

[illegible]

Gambella Peoples National Regional
State Party for Zone Godere Woreda
Administration Council
Matti

$$\begin{array}{r|l} \text{中TC} & 1173 \quad | \quad 13 \quad | \quad 3 \\ \text{中7} & 23 \quad | \quad 3 \quad | \quad 2403 \end{array}$$

၁၃၈၂/၇

7-ዳዩ፣ የኢንቨስትመንት ሙሴት ከራዩ ከራዶንና የሙሴት ርክክብ ደመሰከተሰ።

Verdantia harvests PLC የተባለ የህንድ ድርጅት በመኸንገር ዞን ገደብ ወረዳ በገብርና ስንሸሳት መንገድ ስመሠማራት ባቀረበው ጥያቄ መሠረት ከሰባችን ውስጥ 3012 ሄ/ር መሬት ስማዕማት ተፈቀደባቸው የ50 ዓመት የመሬት ክፍያ ውጪ የተፈራረሙ ስለሆነ የህንድ ዓመት የመሬት ክፍያ ቀድሞኖ ክፍያ በሄክታር ብር 111.00 /ህንድ መቶ ስሥራ ስንድ ብር/ ብቻ በጠቀሳሳ ብር 334,332 /ሶስት መቶ ሰባሳ ስራት ሺህ ሶስት መቶ ሰባሳ ሁለት ብር ብቻ/ ከፍሎ መሬቱን ስንዲረክቡ ስምምነት የደረሰንበትን የመሬት ክፍያ ውጪ ከዚህ ደብዳቤ ጋር ለባሪ በማድረግ መሳካን እየገበደን የተወቀሰውን የገንዘብ ስንዲከፍሎ ስንዲደረግና መክፈባቸውን ማረጋገጫ ስንዳሳክ በማሳሰብ መረጃ ስንዲደርስን መሬቱን በባህላቸው ምናሰረክብ መሆኑን ስናሳውቃለን፡፡

የሚሰ ከሰራዲሪ የገብርና ገጠር ሰማት ሚኒስትር በቀጥር ET/VH 18/ጠ80/24/299 በቀን 20/08/2002 ዓ/ም በተዳረ ደብዳቤ መሠረት በቀጥር 041/2010በቀን 08/03/2003 ዓ/ምየተሳከና ሰባሪ ተደርጎ በተሳከባችሁ የፍክስ መሰሰክት ተገባዎልናል፡፡

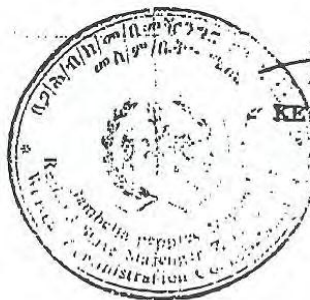
በዚሁ መሠረት ድርጅቱ በወረዳው በሚኖርባቸው መጠነ ስራ የገብርና እንባሰትምንት ስራ የተጠቀሰውን የሶንድ ዓመት የወረዳት ክፍያ እንዲከፍሉ እንዲረዳቸው ተገቢው ማረጋገጫ ስረፈዳሪ የገብርናና ገጠር ሰማት ሚኒስትር እንዲሳክ እንዲሁም ባለቤቶች በገብርናው ዘርፍ በሚኖሩትው ቀጣይ የሥራ እንቅስቃሴ አስፈሳጊነት ድጋፍ ትብብር እንዳይሰያቸው አሳውቃብሁ፡፡

..... የሚሰ ከጋ/ህ/ብ/ክ/መ መስ/ም/ቤት በደብዳቤ ቁጥር መ2/2031/716 በቀን10/3/2003 በተሰፈ ሩብዳቤ የተገሰጸጸን ስሰሆነ በተሰጠው መመሪያ መሠረት የሰንድ ዓሳሳት ኪራይ ብር 334,332 /ሶስት መቶ ስላሳ ስራት ሺህ ሶስት መቶ ስላሳ ሁለት ብር/ ገቢ ተደርጎ ስሰመከረባቸው ተገቢውን ማረጋገጫ ስንዲሁና ሰባሰብቶቹም በገብርናው ዘርፍ ስሰፈሳፈውን ደጋፊና ትብብር ስንዲሁግባቸው ሰላማቸዋለች፡፡

၇၀၇၅၆

- ሰመዥ/ዛ/መስ/ም/ቤት
- ሰጎ/ወ/መስ/ም/ቤት
- ሰጎ/ወ/ግብ/ገጠ/ሰ/ጽ/ቤት

2020/11/17



«ከሦስት ጋር»

11-7 2.00 0.5
KETEMA DUBALLE CHENO

Head of Administrator

Gizaw
Ditamo

ቁጥር 30/03/200
ቀን

ለክቡር አቶ ግርማ ወ/ጊዮርጊስ

የኢ.ፌ.ሪ ፕሬዝዳንት

አዲስ አበባ፣

ጋምቤላ ስ/ብ/ክ/መንግስት በጎደሬ ወረዳ ጉማሬ ቀበሌ 5000/ አምስት ሺህ / ሄ/ር የሻይ
ጣት የኢንቨስትመንት መሬት ማስረከባቸውን የሚገልፅ በደብዳቤ ቁጥር መ2/2476/78/6 በቀን
16/4/2002 በተፃፈ የክልሉ ፕሬዝዳንት አቶ አምድ ኡቦንግ ኡሎም ገልፀዋል ።
ዚህ መሠረት ማንም በኢንቨስትመንት ስም ጥብቅ ደናችንን እንዲካካ አንፈልግም የሚሉት 1ኛ
አቶ ታምሩ አምባሎ የቀበሌው ሊ/ር

2ኛ አቶ አመያ ክሲቶ የቀበሌው ሽማግሌ

3ኛ አቶ ካሳሁን ክሲቶ የቀበሌው ነዋሪ

ሆነው በጽ/ቤትም በአካል በመገኘት በአመለካከት መሠረት ለአካባቢ ጥበቃ ባለስልጣን
ባስተላለፉት መመሪያ በመነሻነት በደብዳቤ ቁጥር 818-4/1124 በቀን 28/08/2002 ዓ.ም ከአካባቢ
ጥበቃ ባለስልጣን በተፃፈ ደብዳቤ መታገዱ ይታወቃል ። ይህ በአንዲህ እንዳለ በአሁኑ ወቅት
ፓክት ኢትዮጵያ በሀገራችን ደን ክልል በአሰበት አካባቢ በመንቀሳቀስ መጠን ሰፋ ሥራ
በመስራት በአካባቢው ላሉት ነዋሪዎች ትምህርት በመስጠት ከፋተኛ ጥበቃ እየተካሄደ ይገኛል።
በሌላ በኩል የዘላቂ መሬት አያያዝ ፕሮጀክት የተራቆቱት ዳኞችን ለመሸፈን የደን ችግሮችን
በማስተካከል ከፋተኛ እንቅስቃሴ እየተደረገ እያለ ከወረዳ አስከፊ ፌዴራል ድረስ ያለው የተፈጥሮ
ደን ባለሙያዎች ያላመኑበት ምሪት በድጋሚ በቁጥር መ2/2031/716 በቀን 10/3/2003 ዓ.ም
በተፃፈ ደብዳቤ 3012/ሶስት ሺህ አስራሁለት ሄ/ር መሬት በሄክታር 111.00/ አንድ መቶ አስራ
አንድ ብር /ሂሳብ ጠቅላላ ብር 334332/ሶስት መቶ ሰላሳ አራት ሺህሶስት መቶ ሰላሳ ሁለት
ብር / ከፍለው መሬቱን እንዲረከቡ ስምምነት የተደረሰበት የመሬት ኪራይ ውል የአንድ ዓመት
የመሬት ኪራይ እንዲ ከፍሉ ይደረግ ሲሉ አቶ ኡምድ ኡቦንግ ኡሎም ለጎደሬ ወረዳ መስተዳደር
ም/ቤት አስታውቋል። የጎደሬ ወረዳ መስተዳደር ም/ቤት እና የመዝናኛ ሆስፒታል መስተዳደር ምክር
ቤት በጋራ በመንቀሳቀስ ጉማሬ ቀበሌ ገበሬዎችን በማሳሳት መሬቱን በኢንቨስትመንት
ለማስረከብ ተዘጋጁ በማለት እንዲወስኑ አድርገው ከላይ የተጠቀሰው ገንዘብ ለጎደሬ ወረዳ
ገቢዎች ጽ/ቤት ገቢ እንዲሆን ተደርገዋል ይህ ደን በኢትዮጵያ ውስጥ በከፍተኛ ደረጃ
ከሚጠበቁት ደን ክልሎች አንዱና ዋነኛው መሆኑ ካለው መረጃ መረዳት በለሚቻል ደኑ
ከመታረሱና ከመውደሙ በፊት ከትትልዎ እንዲደረግና እንዲታገድልን በአክብሮት
እንጠይቃለን።

«ከሰላላ ጋር»

ታምሩ አምባሎ
ጉማሬ ቀበሌ አስተዳደር



የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የፕሬዝዳንት ጽሕፈት ቤት
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
OFFICE OF THE PRESIDENT

ለክቡር አቶ ተፈራ ደርበው

የግብርና ሚኒስትር

አዲስ አበባ

ተገ 1/4/2003
Date
ተገ 58/216/2003
Ref No.

በጋምቤላ ሕዝቦች ብሔራዊ ክልላዊ መንግሥት መዝናኛ ሆን ጎደሬ ወረዳ የጉማሪ ቀበሌ አስተዳዳሪ ህዳር 30 ቀን 2003 ዓ.ም በጻፉት ደብዳቤ በፓክት ኢትዮጵያ እና በዘላቂ መሬት አያያዝ ፕሮጀክት ከፍተኛ ጥበቃና እንክብካቤ እየተደረገለት ያለ 3012 ሄክታር የተፈጥሮ ደን መሬት ከወረዳ እስከ ፌዴራል ያሉ የተፈጥሮ ደን ባለሙያዎች ባለሙያነት ቪርዳንታ ሃርቨስትስ (Verdanta Harvests PLC.) ለተባለ የህንድ ከባንያ ለግብርና ኢንቨስትመንት እንዲሰጥ መወሰኑን በመቃወም ደኑ ከመውደሙና ከመታረሱ በፊት እንዲታገድ ጠይቀዋል፡፡

ተደምሰሱ ሲልም የመረጃው ነዋሪዎች ተመሳሳይ አቤቱታ አቅርበው ጉዳዩን ለፌዴራል አካባቢ ጥበቃ ባለሥልጣን በጽሑፍ አስታውቋል በወቅቱ ለግብርናና ገጠር ልማት ሚኒስቴር በቁጥር 818-4/1124 ሚያዝያ 28 ቀን 2002 ዓ.ም በተጻፈ ደብዳቤ ኢትዮጵያ በዓለም አቀፍ መድረኮች አፍሪካን ወክላ በሚትደራደርበት ወቅት እንዲሁም ከአርሻው ይልቅ ከካርቦን ትሬዲንግ የምናገኘው ጥቅም የበለጠ ስለሆነ ደኑ የማይነካበት ሁኔታ እንዲመቻች ማሳሰቡ ይታወቃል፡፡

ስለሆነም በቅርብ ቀን በዚህ ጉዳይ ዙሪያ ተወያይተን የደረሰንበትን እያስታወስኩ ሀገራችን በአየር ንብረት ለውጥ ጉዳይ በዓለም አቀፍ መድረኮች በጠቅላይ ሚኒስትራችን አማካይነት አፍሪካን ወክላ በሚትደራደርበት ወቅት በምንም ምክንያት የደን መሬት ለአርሻ መስጠት ስለሌለበት ደኑን ለማልማት በሚፈልጉ ሰዎች ወይም በባንክ ተሳትፎ እንዲለማ በክብርነትም በኩል ተገቢው እንዲፈጸም እጠይቃለሁ፡፡

ገልባጭ

ለአቶ ታምሩ አምበላ

ጉማሪ ቀበሌ



ከሰላምታ ጋር
ገርማ ወርቅነድግ
የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ
ሪፐብሊክ ፕሬዝዳንት



በጋ/ብ/ሕ/ክ/መ/በ/መ/ከ/ግ/ር ዞን የሃይራ ወረዳ
መዝገብ/ጽ/ቤት
ሚ.ጠ.

Gambella Peoples National Regional
State Administration Zone Godere Woreda
Administration Council

ቁጥር/ 1695 / 63 / 5
ቀን/ 13 / 5 / 2003

ሰጋማሪ ቀበሌ ስስ/ር/ዩ/ቤት - Matti
ጉማሪ

ጉዳዩ:- ስስሻዴ ሰማት ስንጢስትመንት መሬት ደመሰከቷል፤

ከሳዴ በተጠቀሰው ርዕስ መሠረት ከጉማሪ ቀበሌ ስስ/ር/ዩ/ቤት በደብዳቤ ቁጥር 0101/2003 በቀን 18/04/2003 በተላከ ደብዳቤ ስስሻዴ ሰማት ስንጢስትመንት መሬት ጉዳዩ ስስመሰከቶት የተላከውን ደብዳቤ የተመሰከተነው ሲሆን በመሠረቱ ቦታው ስሻዴ ሰማት ስንዲሁከ ከመሰጠቱ በፊት የመክ/ር ዞንና የጉዳሪ መረዳ ስመራር ስና የቀበሌያችሁ ስመራር ነዋሪ ህዝብ በሙሉ በተገኙበት ስስሻዴ ሰማት ስንጢስትመንት የመሬት ስስማጥ ጉዳዩ ስሪ ውዴዴት ተደርጎበት ህብረተሰቡ በሙሉ በጉዳዩ ሳዴ ስምምነት ስምምነት ከተደረሰ በኋላ የስንጢስትመንት ደንብና መመሪያ በተከተ መልኩ ስጢርዳታ-ሃርቨትሰ በተሰኘ የህግ ስብንያ ስንዲሰማቸው የጓሪ ስምምነት መደረሱ የሚታወቅ ነው፡፡

ደህን ስንዲ በቀበሌው የሚገኙ ጥቂት ግሰሰቦች ቀበሌውም ሆነ ወረዳው በሰማት ከፍተኛ ደረጃ ሳዴ ስንዲደርሰና ስድገትን ሰማገታት ስየተደረገ ያለው ሁኔታ ያሳዘነን ቢሆንም በስንዳሪ ደግሞ ከመክ/ር/ዞን መስ/ር/ም/ቤት በደብዳቤ ቁጥር መስ00/800/01 በቀን 03/05/2003 በተላከ ደብዳቤ የጉማሪ ቀበሌ ወጣቶች ሰዞን መስ/ር/ም/ቤት ባቀረቡት ስቤታታ የቀበሌያችን ብሉም የወረዳችን ሰማትና ስድገት ስንዲደርሰ በጫካና በሰና ቤት ውስጥ ስየተሰበሰቡህዝቡ በማያውቀው ሁኔታ ስስማንን መከታ በማድረግ የሰማት ስንቅፋት በመሆን ሳዴ ስስማንን የዞንም ሆነ የወረዳው መንግስት ጓሪ-ሰማት ደብዳቤ ግሰሰቦች ክትትል ስድገትን መፍትሔ ስንዲሰማቸው በጠየቁት ስቤታታ የዞን መስ/ር በወረዳችሁ በኩል መፍትሔ ስንዲሰማቸው በደብዳቤ ግሰሰቦችና፡፡

አስሆነም ቀደም ሲል በተደረሰው የጋራ ስምምነት መሠረት ስሕሪሳጊው
ስንዲረዳም እያሳሰብን ይህ ተግባራዊ ሣይሆን ቢቀር የቀበሌ ስሕ/ር ተጠያቂ የሚሆን
መሆኑን አበክረን እንገልጻለን፡፡

ገልጻል፡

- ሰጋ/ሀ/ብክ/መ/መስ/ር/ም/ቤት
- » » ምክ/ርዕሰ መስ/ር
- » » ግብርና ቢሮ
- » » አካባቢ ጥበቃ
- ሰመሽ/መር/ዋን መስ/ር/ም/ቤት
- ሰጉ/ወ/መስ/መር/ም/ም/ቤት
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« አሠላምት »

ምእን ኮኝን ጉጌ
Simone Kognan Gugia
የፍ አስተዳዳሪ
Head of Administration

Appendix – 3: Partial List of Large-Scale Land Investors in Gambella

No.	Name of Investor	Size of Lands	Lease Period	Land Lease fees/ha/year	Crop Type	Country of Origin
1	Alehilegn Worku	2,000	50 years	30 Birr	Cotton, Sesame	Ethiopia
2	Bazel	10,000	50 years	30 Birr	Cotton, Sesame	Ethiopia
3	BHO	27,000	25 years	111 Birr	Rice, Sesame	Indian
4	Fiker Plc	2,000	50 years	30 Birr	Cotton, Sesame	Ethiopia
5	Huana	25, 000	40 years	158 Birr	Sugar Cane	China
6	Hussein Abera	2,000	50 years	30 Birr	Sesame	Ethiopia
7	Karuturi	100,000	50 years	20 Birr	Rice, Palm oil	Indian
8	Lucky Exports	5,000	50 years	30 Birr	Tea	Indian
9	Muluken Azene	2,000	50 years	30 Birr	Cotton, Sesame	Ethiopia
10	Ruchi	25,000	25 years	111 Birr	Soya, Palm Oil	Indian
11	Sannati	10,000	25 years	158 Birr	Rice, Pulses	Indian
12	Saudi Star	10,000	50 years	30 Birr	Rice, Soya	Saudi Arabia
13	Solomon Kebede	3,000	50 years	30 Birr	Cotton, Sesame	Ethiopia
14	Tewodros Abraham	3,000	50 years	30 Birr	Sesame	Ethiopia
15	Verdanta	3,012	50 years	111 Birr	Tea	Indian
16	Yemane G/Meskel	3,000	50 years	30 Birr	Sesame, maize	Ethiopia
17	Yetimgeta Mamo	2,000	50 years	30 Birr	Sesame, maize	Ethiopia

Source: Abobo woreda, Gambella woreda, Godere woreda, Gog woreda, Itang woreda and Gambella Investment Agency (GIA).

Appendix – 4: Employment Opportunities and Production Inquiry Form

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Appendix – 5: Interviews and Focus Group Discussions Guides

1. Interview Guide for Government Officials (GOV)

The following questions were presented to government officials both elected officials and civil servants at different government levels. Elected officials include parliamentarians, Gambella regional/*killil* and *woreda* executives/cabinet. Based on the circumstances of each interviewee, some modifications have been applied.

No	Question	Prompt	Variable
1	<ul style="list-style-type: none"> What is your opinion on the Ethiopian federal system in general 	Advantages and or disadvantages	Ethnic federalism
	<ul style="list-style-type: none"> What does the adoption of federalism in Ethiopia mean for minorities and indigenous communities? 	Local empowerment and or disempowerment	Federalism & Minorities/Indigenous communities
2	<ul style="list-style-type: none"> How is right to self-determination implemented in the Gambella region 	Political, economic and social rights	Self-determination in theory and practice
	<ul style="list-style-type: none"> What are the indicators that the people of Gambella are governing themselves? 	Concrete examples of self-governance	Self-government
3	<ul style="list-style-type: none"> How do you describe the relationship between the regional and federal government? 	Such as power relationship, cooperation and or confrontation	Division of Powers under federalism
	<ul style="list-style-type: none"> Is there federal interference in regional affairs? If yes 	Examples	Implementation of ethnic federalism
	<ul style="list-style-type: none"> If yes, what is your view on these interferences vis-à-vis the federal framework? 	Do they strengthen or weaken federalism	Implementation of federalism
4	<ul style="list-style-type: none"> Could you tell me about the federal advisors in the region? 	Like who they are and their mandate	Federal advisors
	<ul style="list-style-type: none"> What is your view on their (federal advisors) role in the regional government? 	Are they constructive or distractive for the federal system?	Federal advisors

5	<ul style="list-style-type: none"> • Could you tell me about <i>gimemma</i>? • What is your opinion on the practice of <i>gimemma</i> in the region? 	<p>Its procedures</p> <p>Strengths and weaknesses</p>	<i>Gimemma</i>
6	<ul style="list-style-type: none"> • Could you tell me about the ruling party in Gambella, i.e. Gambella Peoples Democratic Movement (GPDM)? • What is the relationship between GPDM and EPRDF (Ethiopian Peoples' Revolutionary Democratic Front)? • Why is GPDM not a member of EPRDF? 	<p>Structure and decision-making processes</p> <p>Power relations, decision making, appointment of officials</p>	<p>GPDM</p> <p>GPDM and EPRDF relations</p>
7	<ul style="list-style-type: none"> • What is your opinion on the capacity building programmes of the EPRDF? • What are the main contents of those capacity building programmes? 	<p>In relation to federalism</p> <p>Political, economic and social</p>	<p>Capacity building programmes of the ruling party</p> <p>Contents</p>
8	<ul style="list-style-type: none"> • What is your opinion on the current Large Scale Land Acquisitions (LSLA)? • Why large-scale agricultural investments are directed to lowland regions? 	<p>Hopes and concerns about LSLA</p>	<p>General perceptions on LSLA</p> <p>LSLA and minorities</p>
9	<ul style="list-style-type: none"> • Was directing LSLA to lowland regions discussed in the parliament? • As a MP representing one of those regions were you consulted about the promotion of large-scale agricultural investments in your constituency? • In your opinion, do these investments have impact on the federal system? 	<p>Reports, proposal, any kind of discussion</p> <p>By any federal department</p> <p>Power sharing, minority rights, economic self-determination</p>	<p>LSLA and minority representatives</p> <p>Minorities MPs and LSLA</p> <p>LSLA and federalism</p>

	<ul style="list-style-type: none"> Have you ever received any complaint from your constituencies about the large-scale land investment? 	Issues about displacements or water resources	Complaints about LSLA
10	<ul style="list-style-type: none"> Why did Gambella delegated its right to land administration to federal government? How was this power delegated to the federal government? Does the transfer of this power have implication for the autonomy of the region? 	<p>Land from Gambella region the federal land bank</p> <p>Who decided it, when, where, how?</p>	Delegation of the power of land administration
11	<ul style="list-style-type: none"> Why the Gambella region does not have its own land law up to now? Without your (regional government) own land law, how are you leasing out lands to investors? Does lack of regional land law affect LSLA process in the region? Does lack of land law has any effect on the effectiveness of self-government of the region 	As required by the constitution and federal rural land proclamation	Regional land law
	<ul style="list-style-type: none"> What is the process of acquiring land below 5000 in the region? Do you need to report land leases below 5000 ha to the federal government? 		Regional land lease process
12	<ul style="list-style-type: none"> Is there monitoring and evaluation framework for investors? If yes, what kind? How often? and what are the 		Monitoring and Evaluation

	<p>procedures?</p> <ul style="list-style-type: none"> What can you do for investors that do not meet the standards of your monitoring and evaluation? 		Enforcement mechanisms
14	<ul style="list-style-type: none"> What are the functions of the regional water development bureau? Do large-scale land investments affect the mandate of the water development bureau? What is the role of the regional water development bureau in the process of land investment? Is there framework for cooperation between different departments whose mandates can be affected by large-scale land investments? 	<p>Vision, mission, mandate</p> <p>Any overlap or clash with your mandate</p> <p>Formal or informal</p> <p>Formal or informal</p>	<p>Water Development Bureau</p> <p>Water Development Bureau and LSLA</p> <p>Inter-ministerial consultation</p>
15	<ul style="list-style-type: none"> What are the functions of the regional Environmental Protection Authority (EPA)? Do large-scale land investments affect the mandate of EPA? What is the role of EPA in LSLA? Do different levels of government and ministries know about the Environmental Impact Assessment proclamation? How are the provisions of the proclamations observed or implemented in the region? 	<p>Vision, mission, mandate</p> <p>Any overlap or clash with your mandate</p> <p>Formal or informal</p> <p>Particularly its provisions related to development projects</p> <p>Examples of enforcements</p>	<p>EPA</p> <p>EPA and LSLA</p> <p>Awareness of legal standards</p> <p>Enforcement of environmental laws</p>

16	<ul style="list-style-type: none"> • Could you tell me about the Gambella National Park? • Do large-scale land investments affect the National Park? • Is there any coordination and cooperation between the National Park authority and the investment agency? 	<p>Including the Peace Park Project</p> <p>Direct and indirect ways</p> <p>Particularly in relation to LSLA (formal or informal)</p>	<p>Gambella National Park</p> <p>Gambella National Park and LSLA</p> <p>Inter-department cooperation</p>
17	<ul style="list-style-type: none"> • What is the mandate of regional Mines and Energy Bureau • What is the cooperation between the federal Ministry of Mines and the regional Bureau? • Is there any framework of sharing benefits incurred from any potential exploitation of natural resources? 	<p>Formal and informal</p> <p>Such as the current gold mining in Dimma <i>woreda</i></p>	<p>Mines and Energy Bureau</p> <p>Federal and Regional relations of the Ministry</p> <p>Sharing of benefits /economic self-determination</p>
18	<ul style="list-style-type: none"> • What is the role of the <i>woreda</i> government in LSLA? • Which area is marked for LSLA, i.e. put in the federal land bank? • What is the procedure of formal handing over land to investor? • What is the method of measurement of land to be given to investors? • What benefits has the <i>woreda</i> government got from those investments? • Are there any negative impacts 	<p>Formal and informal roles</p> <p>Specific location(s) in the <i>woreda</i></p> <p>Specific steps</p> <p>GPS, local and other</p> <p>Financial, material, institutional</p> <p>If yes, what, examples</p>	<p>Local government and LSLA</p> <p>Find out the specific areas demarcated for land bank</p> <p>Procedures of land delivery</p> <p>Methods of land delivery</p> <p>Benefits of LSLA</p> <p>Negative impacts of LSLA</p>

	<ul style="list-style-type: none"> Who sets the land rental rates for investors? Have LSLA increased the tax revenue of the local government? If yes, how are these revenues used? 	Federal, <i>kilil</i> , <i>woreda</i> Development projects, salaries, etc...	Land rental rates LSLA and local government's tax revenue
19	<ul style="list-style-type: none"> What are the purposes of villagization? How was it initiated? Is it voluntary? Has there been consultation with concerned communities? What are the procedures of these consultations? 	In general By who? Formal and informal If yes, who were consulted, all villagers, village council, elders...?	Villagization Voluntary or involuntary Consultation with communities Legitimacy of consultations
20	<ul style="list-style-type: none"> Does LSLA affect women in special way Does villagization affect women in special way Are women included in consultations (if any) about LSLA and villagization programmes 		Impact of LSLA and villagization on women

2. Interview Guide for Independents (IND)

The following questions were presented to independent respondents who are made up of NGO workers, academics, pensioners and former state officials. Based on the circumstances of each interviewee, some modifications have been applied.

No	Question	Prompt	Variable
1	<ul style="list-style-type: none"> What is your opinion about the federal system in general? What changes has federalism brought to the indigenous communities of Gambella? How is the implementation of right to self-determination? Are the regional leaders free to make policies in the interests of the indigenous communities in their own capacities? How is language rights implemented? What are the challenges of self-governance in the region? 	<p>Particularly in relation to minorities?</p> <p>Political, economic and social</p> <p>In the Gambella region</p> <p>Or do they have power to do so?</p> <p>In both formal and informal sectors</p> <p>Both in theory in practice</p>	<p>Federalism</p> <p>Federalism and indigenous communities</p> <p>Right to self-determination in practice</p> <p>Local empowerment</p> <p>Language rights</p> <p>Self-governance</p>
2	<ul style="list-style-type: none"> Could you tell me about the federal advisors in the region? What is your view on their (federal advisors) role in the regional government? 	<p>Who are they and what they do?</p> <p>Negative, positive and or both</p>	<p>Federal advisors</p> <p>Role of federal advisors</p>
3	<ul style="list-style-type: none"> What is the significance of land in your culture? To whom does land belong to in your culture? What other purposes do you use the land for? 	<p>Political, economic and social</p> <p>Chief, villagers, clans, family, individual</p> <p>Farming, religious, cultural</p>	<p>Significance of land</p> <p>Land ownership</p> <p>Land usage</p>

	<ul style="list-style-type: none"> Does the current LSLA affect those purposes? 	Does LSLA impede the observation of those practices?	LSLA and land values
4	<ul style="list-style-type: none"> Could you tell me about GPLM? How did GPLM allied itself with EPRDF? What is GPLM's contribution to statehood of the Gambella region 	Formation history and objectives Was there any formal agreement	GPLM GPLM and EPRDF GPLM and Gambella Regional State
5	<ul style="list-style-type: none"> What is the main cause of Anywa-Nuer conflict in your view? How did these communities use to solve these conflicts? Has the nature of those conflicts changed after the introduction federalism? Does LSLA impact (reduce, increase, neutralize) those conflicts in one way or another? 	Historical causes and recent ones Both political and religious solution Have those conflicts increased or decreased Reduce, increase or neutralize those conflicts in one way or another?	History of conflicts in Gambella region Local conflict resolution mechanisms Federalism and ethnic conflicts in Gambella Contribution of ISLA to conflict dynamics in the Gambella regional
6	<ul style="list-style-type: none"> What are the main causes of conflicts between the indigenous communities and the highlanders? What is the role of the regional economy in these conflicts? What is the role of federal system in these conflicts? 		Indigenous vs. highlanders conflicts Economic causes of conflicts Federalism and conflicts
7	<ul style="list-style-type: none"> What is the role of traditional leaders and elders under the current government? 	Formal and informal roles	Traditional leaders under federalism

	<ul style="list-style-type: none"> Does the current system encourage traditional conflict resolution systems? Are traditional elders consulted for the current LSLA and villagization programme? 	<p>If yes, in what ways?</p> <p>If yes, how? And if no, why?</p>	<p>Federalism and traditional conflict resolution</p> <p>Local consultation</p>
8	<ul style="list-style-type: none"> Could you tell me about the impacts of <i>Derg's</i> revolution in Gambella? What were the major changes in Gambella as the consequences of the <i>Derg</i> taking over the power? What were the major difference between the <i>Derg</i> and Haile Selassie? Could you tell me about the <i>Derg's</i> Cultural-Revolution? How was local empowerment during the <i>Derg</i>? 	<p>Political, economic and social</p> <p>Political, economic and social</p> <p>For the indigenous people of Gambella How was it implemented in the Gambella region</p>	<p><i>Derg's</i> revolution in Gambella</p> <p>Impacts of <i>Derg</i> in Gambella</p> <p>Differences between <i>Derg</i> and the Monarchies in Gambella <i>Derg's</i> cultural Revolution</p> <p>Local empowerment under <i>Derg's</i> programme</p>
9	<ul style="list-style-type: none"> What is your opinion about the new Charities and Societies Proclamation? Has it affected any of your activities in the region? Does it have any impact on the LSLA? 		<p>Charities and Societies Proclamation</p>
10	<ul style="list-style-type: none"> Could you tell me about your organization's project called "Participatory Forest Protection Project"? Could you tell me about your activities in Majang zone? 	<p>Objectives and activities</p>	<p>Participatory Forest Protection Project</p>

	<ul style="list-style-type: none"> • What is the local land management system among the Majang people? • Is LSLA affecting your work in one way or another? • Are the communities among whom you work affected by LSLA in one way or another? • Do you get any support for your work from <i>woreda</i> and <i>killil</i> governments? • Could you tell me about the story in Gumare and Kabu villages? 		
11	<ul style="list-style-type: none"> • What is your experience with the <i>Derg</i> villagization programme? • What is your opinion on the current villagization programme? • Is there any link between the current villagization programme and LSLA? • What is the difference between current villagization and the Derg's villagization? • Are women affected in special way by the villagization programme? 		Derg's villagization programme
12	<ul style="list-style-type: none"> • What was the process of land investment before the coming of LSLA • Was the federal government a player in the land investment before the coming of large-scale investors? 		Processes of LSLA before

13	<ul style="list-style-type: none"> What are the major security challenges in the region? Do indigenous and highlanders face the same security problems or are their security challenges different? How do you see the role of both the regional and federal government in tackling those security challenges? 		<p>Security problems</p> <p>Security problems of indigenous and highlanders</p> <p>Regional and federal measures to address security problems</p>
14	<ul style="list-style-type: none"> What is the relationship between investors and local communities? 		

3. Interview Guide for Business owners (BSS)

The following questions were presented to different kinds of business owners. The main respondents in this category are large-scale land investors (mainly farm managers) and wholesale crop distributors in different districts of the Gambella region. Based on the circumstances of each interviewee, some modifications have been applied.

No	Question	Prompt	Variable
1	<ul style="list-style-type: none"> How much land do you have? What are the boundary markers of your farm or who are your neighbours? What do you plan to grow or already growing on the land? How much of the land is already in actual production? 	<p>In hectares</p> <p>Local communities, other investors, national park, etc...</p> <p>For what purpose?</p> <p>In hectares</p> <p>In Kilograms or</p>	<p>To verify size of land leases</p> <p>Investors and their neighbours</p> <p>Crops grown</p> <p>Land put into use</p> <p>Crops produced</p>

	<ul style="list-style-type: none"> How much did you produce in the last production season? Where did you sell the products? 	<p>tonnes</p> <p>Why to this particular country?</p>	Destination market
2	<ul style="list-style-type: none"> What kinds of processes did you go through to secure your current land lease? Were the relevant structures and authorities efficient and cooperative? Did you face any obstacles in the process of acquiring you current land? Have you met the neighbouring communities (i.e., adjacent communities to your farm) before you signed land lease agreements? 	<p>Chronological order,</p> <p>If yes, in what ways and if not how?</p> <p>If yes, what kinds of obstacles?</p> <p>If yes, what was your first discussion with them, if not how were you introduced to them?</p>	<p>LSLA process</p> <p>Community consultation</p>
3	<ul style="list-style-type: none"> Are you aware of the Environmental Impact Assessment Proclamation? Have you conducted EIA before or after launching your project? If yes, to which department have you submitted it and what was their reaction (comment, feedback) If no, have you received any request for EIA from any department/authorities? 	<p>Of do you have a copy?</p> <p>If yes, can I see a copy?</p>	Environmental Impact Assessment (EIA)
4	<ul style="list-style-type: none"> Are you aware of the Pesticide Registration and Control Proclamation No. 	If yes, do you have a copy?	Use of Pesticide and related Agro chemicals

	<p>674/2010?</p> <ul style="list-style-type: none"> • Are you using or intend to use any kind of chemicals in the future? • Have you received any kind or orientation from the government bodies concerning the kinds of chemicals you are allowed to and not allowed to use? • Do you get any expertise from the government concerning the use of chemicals? 		
5	<ul style="list-style-type: none"> • How do you describe your relationship with neighbouring communities? • Have you ever supported them in terms of lending your hardware or sharing your expertise with them? • Is technological transfer to local communities part of your programme? • If yes, what are the procedures and mechanisms in place to ensure technological transfer? 	Friendly, rivalry, cooperative, hostile, etc...	<p>Investor and local communities relations</p> <p>Technology transfer</p>
6	<ul style="list-style-type: none"> • How many indigenous people have benefited from job opportunities created by your company? • Have you taken any measure to encourage indigenous peoples get 	<p>At different levels, supervisors, technical staff, and daily labourers</p> <p>Special measures, affirmative actions</p>	Job opportunities

	employment in your company?		
7	<ul style="list-style-type: none"> Who are the major food crop suppliers to Gambella region? Where do they get their crops from? Do large-scale investors provide any food supply to regional food market? Have investors impacted local food prices? 	<p>Individuals, associations, organizations...</p> <p>Local farmers? Neighbouring regions? Others?</p> <p>Increased or decreased prices?</p>	Large-scale land investors and regional food supply

4. Focus Group Discussions Guide (FGD)

The following questions were presented to Focus Group Discussion (FGD) participants in different *woredas* and *kebeles*. Based on the circumstances of each FGD, some modifications have been applied to the following questions.

No	Question	Prompt	Variable
1	<ul style="list-style-type: none"> What is your opinion on the villagization programme? Where you consulted about the villagization programme? If yes, what kind of consultation? 	<p>Advantages and disadvantages</p> <p>What did you discussed</p>	<p>Villagization Programmes</p> <p>Consultation</p> <p>The quality of consultation</p>
2	<ul style="list-style-type: none"> Have you been provided with social services promised in the villagization programme package? If yes, which ones? If no have you ever complained to the concerned authorities? How do you compare your 	<p>Schools, clinics, clean water, grinding mill etc...</p>	<p>Villagization Programme Development Packages</p> <p>Comparing former and</p>

	former villages and the current one? Are you now better off in the new villages? If yes or no, in what ways?		current villages?
3	<ul style="list-style-type: none"> • How was Villagization carried out? • Was it voluntary? • Are you free to go back to your former villages? • What happened to your former farms? Are they taken by somebody or still unoccupied? 		<p>Logistics of villagization</p> <p>Whether villagization was voluntary or not</p>
4	<ul style="list-style-type: none"> • Do you think there is any link between the villagization programme and the on-going large-scale land investments? • If yes, what do you think are the linkages? • Are some of the lands given to investors part of your traditional lands? 		Link between villagization and large-scale land investment
5	<ul style="list-style-type: none"> • What is your opinion on the on-going large-scale land investments? • Were you consulted concerning the coming of investors? • Has any of you lost your land because of investors? • If yes, have you ever complained to your immediate administrators? • If yes, what was their response? 	<p>Advantages and disadvantages for local communities</p> <p>Individual or communal land</p> <p>Whether at woreda or kilil level</p>	<p>Local perception on large-scale land investments</p> <p>Community consultation</p>

6	<ul style="list-style-type: none"> • What do you make of the government's claim that the lands they are giving to investors are unused lands? • Do you use those lands for different purposes? • Has the leasing out of those lands to investors affected your livelihoods in one way or another? • Where do you now go for collecting firewood, building materials and fetching water? 		<p>Local response to claim about 'unused lands'</p> <p>Usages of lands/woodland/forests to local communities</p>
7	<ul style="list-style-type: none"> • Has the leasing out of large-scale lands to investors affected your food security? • If yes, in what ways? • Has the leasing out large-scale lands to investors limited your access to water resources? 	<p>Directly or indirectly</p> <p>Including access to fish in the rivers</p>	<p>Large-scale agricultural investments and local food security</p>
8	<ul style="list-style-type: none"> • How do you describe your relationship with investors? • Are you getting any technological transfer from investors or do they share with you their expertise? • If yes, could you provide examples? 		<p>Local communities and investors' relations</p>
9	<ul style="list-style-type: none"> • Are large-scale agricultural investments contributing to conflicts or tensions? • If yes, could you give examples... • How do you describe your relationship as host communities with settlers 	<p>Whether inter/intra ethnic conflicts, small or big conflicts</p>	<p>LSLA's induced conflicts</p>

	<p>who are coming to work on those large-scale farms?</p> <ul style="list-style-type: none"> • Have there ever been incidents of violence or tensions between you and them? 		
10	<ul style="list-style-type: none"> • What is the role of traditional leaders in land management? • Were they consulted about villagization and large-scale agricultural investments? • Is there traditional roles undermined by large-scale land investors in one way or another? 		<p>Traditional leaders and land management</p> <p>Community consultation</p>
11	<ul style="list-style-type: none"> • How are conflicts resolved in your culture? • What is the role of the traditional leaders in conflict resolution • Could some of those practices also be applied in current conflicts and tensions? 		Traditional conflict resolution mechanisms
12	<ul style="list-style-type: none"> • What is the significance of land in your culture? • For what other purposes other than farming do you use land? • Do you make any difference between the land of your village and other lands? • Does the current large-scale land investments affect those other functions of lands? • If yes, in what ways? 	Politically, religious, culture, economic	Significance of land in local cultures

13	<ul style="list-style-type: none"> • How are food prices over the last five years? • Where do you normally buy your maize from? Or who are the major providers of maize in your <i>woreda</i>? • Do land investors provide food items to local food market? • If yes which types of crops and if no why in your perspective? • Has the coming of investors affected food prices in one way or another? 	Particularly maize price, average	LSLA and local food market, supply and prices
14	<ul style="list-style-type: none"> • Have you or family members got any job in the farms? • If yes, what is the procedure of getting employed on the farm? • Are the wages on the farm enough to support yourself/family? • How do you compare working on those farms and working on your own farm? 	If yes, what kind of job?	Job opportunities for local people on large-scale farms
15	<ul style="list-style-type: none"> • What do you think the impact of large-scale land investors on environment? • Are there important trees destroyed? • What do investors do with the trees they cut down? • Has large-scale investors 		LSLA and the environment from local perspective

	affected wild life?		
16	<ul style="list-style-type: none"> • What is the significance of forest to the Majangir people? • For what other purposes do the Majangir people use the forest for? • What are the impacts of large-scale agricultural investment on the Majangir people? • Could you describe in detail to me your complaint to the federal government concerning land lease agreement in your area? 		LSLA among the Majangir people
17	<ul style="list-style-type: none"> • What is the traditional conflict resolution mechanism among the Majang people? • What is the role of the traditional spiritual leaders among the Majangir people? 		Traditional conflict resolution among the Majangir People